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# THE TRYAL OF WILLIAM VISCOUNT STAFFORD FOR HIGH TREASON,

In Conſpiring the Death of the KING, The Extirpation of the PROTESTANT RELIGION, The Subverſion of the GOVERNMENT, and Introduction of POPERY into this Realm,

Upon an

# IMPEACHMENT

BY THE

*Knights, Citizens* and *Burgeſſes* in Parliament aſſembled, In the Name of Themſelves and of All the

# COMMONS OF ENGLAND:

Begun in *Weſtminſter-Hall*, the 30. day of *November* 1680. and continued until the 7. of *December* following, on which day Judgment of High Treaſon was given upon him.

With the Manner of his Execution the 29. of the ſame Month.

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# The TRYAL of William *Viscount* Stafford, *Begun in* Westminster-Hall, November 30. 1680.

## The First Day.

WIlliam Earl of *Powis*, *William* Viscount *Stafford*; *Henry* Lord *Arundel* of *Wardour*, *William* Lord *Petre*, and *John* Lord *Bellasis*, having been formerly impeached in the *House of Lords*, of *High Treason*, and other high Crimes and Offences, by the *House of Commons*, in the Name of *Themselves* and of all the *Commons* of *England*.

And the House of Commons having sent a Message to the Lords, to acquaint them with the Resolution of that House, to proceed to the Tryal of those Lords then in the *Tower*, and forthwith to begin with the said Viscount *Stafford*; and to desire their Lordships to appoint a convenient day for the Tryal of the said Viscount *Stafford*; their Lordships did thereupon appoint the 30. day of *November*, 1680. for his Trial; And a place in *Westminster-Hall*, having been (for that purpose) erected, the same was as followeth, *viz.* Therein were both Seats and Wool-packs, correspondent in all points to those in the House of Lords; as also a State placed at the upper end thereof, with a Cabinet for the King (and whom His Majesty should think fit to attend him there) on the right hand the State, and the like on the left hand for the Queen and her Followers. As also Galleries over head, for Ambassadors and others.

And to the end that the Commons might be fitted with Seats upon this great occasion, there were erected for them, on each side divers Benches, on several degrees, extending to the utmost Walls of the Hall.

At the lower end the Bar, (whereunto the Prisoners were to be brought) being placed; on the right hand thereof was a place raised about five Foot, wherein the Witnesses were to stand; and on the left hand a convenient Room for those particular Members of the House of Commons, which were to manage the Evidence.

And the Right Honourable *Heneage Lord Finch*, *Baron of Daventry*, *Lord High Chancellor of England*, being by His Majesties Special Letters *Patent*, bearing date the 30. of *November*, 1680. Constituted *Lord High Steward* for that present occasion; upon *Tuesday* the said 30. of *November*, the *Lord High Steward* was honorably attended from his House in *Queen-street*, by all the *Judges* of His Majesties Courts in *Westminster-Hall* in their Robes; as also by *Garter* Principal King of Arms, in His Majesties Coat of Arms, and the Gentleman Usher of the *Black Rod*, unto whom His Majesty had the day before delivered the *White Wand*, to be carried before his Lordship; and about nine of the clock in the morning set forwards in his Coach towards *Westminster*, sitting at the hinder end thereof; *Garter* and the

Gentleman who bore the *Great Seal* sitting both uncovered at the other end; one of the Serjeants at Arms, with his Mace being placed on the right side the Coach, and the Usher of the *Black Rod* carrying the *VVhite VVand* on the left side; the Judges and his Lordships Gentlemen in several Coaches following after.

Being thus come to the Stairs-foot ascending to the *House of Peers*, the Judges went up two and two together (the Juniors first) next the Lord High Steward's Gentlemen: after them the *Serjeant at Arms* with his Mace, and the *Seal bearer*; and lastly the Gentleman Usher of the *Black Rod*, bearing the *VVhite VVand*; *Garter* principal King of Arms, going on his right hand.

Then his Lordship alone; his Train born by one of his Gentlemen; in this manner entring the *House of Peers*, he found all the *Lords* in their Scarlet Robes; also the Bishops in their Rochets, and took his place upon the uppermost Woolsack.

This done and Prayers ended, his Commission for *Lord High Steward* was read, And then the Bishops receded, and the Lords Adjourned themselves into the *new erected Court* in *VVestminster-Hall*.

All things being thus in readiness, and a large Door-place broken through the upper end of *VVestminster-Hall*, into that Room which was heretofore the *Court of VVards*.

Their Lordships passed from their House first into the *Painted Chamber*, then through that called the *Court of Requests*: Thence (turning on the left hand) into that called the *Court of VVards*, then entred at the Door (so broke down as aforesaid) into *VVestminster Hall*, and passed through a long Gallery, (placed between the *King's Bench* and *Chancery* Courts) into this New erected Court in *VVestminster-Hall*, and proceeded after this manner, *viz.*

First the Assistants to the Clerk of the Parliament.

Then the Clerk of the Crown in Chancery, and Clerk of the Parliament; after them the Masters in Chancery two and two, and the King's Attorney General, alone.

Then the *Judges* of all the Courts in *VVestminster-Hall*, by two and two.

Next to them Noblemens Eldest Sons.

After them Four Serjeants at Arms, bearing their Maces.

Next the Gentleman Usher of the *Black Rod*.

Then all the Noble Men according to their respective Degrees, the Juniors first, *viz.* *Barons.* *Viscounts.* *Earls.*

Great Officer, *viz.* *Lord Chamberlain* of the Houshould.

*Marquesses.* *Dukes.*

Great Officers { *Lord Privy Seal.* / *Lord President* of the Council.

Then Four more *Serjeants at Arms* bearing their Maces.

After them, the Gentleman carrying the *Great Seal*.

Then

Then one of His Majesties Gentlemen Ushers, daily-waiters, carrying the *White Wand.* *Garter* Principal King of Arms going on his right Hand.

Then the *Lord High Steward* alone, having his Train born, and after him his Highness *Rupert Duke of Cumberland,* a Prince of the Blood.

This done, and the whole House of Peers having taken their Places according to their Degrees, the Commons being also Seated on each side, and the Managers in the Room appointed for them; the Commons being all bare, The Lord High Steward (after obeysance made towards the State) took his place upon the uppermost Wool-sack, and thereupon receiving the *White Wand* from *Garter* and the Gentleman Usher upon their Knees, delivered it to the Usher of the *Black Rod,* who held it during the time of Sitting there; Having so done, his Lordship said, *Cryer make Proclamation of Silence,* Then the Cryer (a Serjeant at Arms) made Proclamation thus,

*All manner of Persons are straitly commanded to keep Silence upon pain of Imprisonment.* *God save the King.*

*Lord High Steward.* Make Proclamation for the Lieutenant of the *Tower* to bring the Prisoner to the Bar.

Cryer, *Oyes, Oyes, Oyes,* Lieutenant of the *Tower* of *London,* bring forth thy Prisoner, *William* Viscount *Stafford,* upon pain and peril shall fall thereon.

*God save the King.*

Whereupon the Lieutenant of the *Tower* brought the Prisoner to the Bar.

*Usher of the Black Rod.* My Lord *Stafford* must kneel, which he did.

*Lord high Steward.* Rise my Lord.

Then he Arose and stood at the Bar, and the Lord High Steward spake to him as followeth,

*My Lord Viscount* Stafford,

THE Commons of *England* Assembled in Parliament have Impeach'd your Lordship of High Treason; and you are brought this Day to the Bar to be Tryed upon that Impeachment: You are not Try'd upon the Indictment of Treason found by the Grand Jury (tho there be that too in the Case,) But you are Prosecuted and Pursued by the Loud and Dreadful Complaints of the Commons: and are to be Try'd upon the Presentment which hath been made by the Grand Inquest of the whole Nation.

In this so Great and Weighty Cause, you are to be Judg'd by the whole Body of the House of Peers, The Highest and the Noblest Court in This, or perhaps in any other part of the Christian World.

Here you may be sure no False Weights or Measures ever will, or can be found; Here the Ballance will be exactly kept, and all the

the Grains of Allowance which your Case will bear, will certainly be put into the Scales.

But as it is impossible for my Lords to Condemn the Innocent, so 'tis equally Impossible that They should clear the Guilty.

If therefore you have been Agitated by a Restless Zeal, to Promote that which you call the *Catholick Cause*. If this Zeal have Engaged you in such Deep and Black Designs as you are Charged with, and this Charge shall be fully Prov'd, Then you must Expect to Reap what you have Sown; for every Work must, and ought to Receive the Wages that are due to it.

Hear therefore with Patience what shall be said against you, for you shall have full Time and Scope to Answer it: And when you come to make your Defence, you shall have a very fair and equal Hearing,

In the mean time, the best Entrance upon this Service will be to begin with Reading of the Charge.

*Lord High Steward.* My Lord, if your Lordship find your self infirm and unable to stand, your Lordship may have a Chair to ease your self whilst the Charge is Reading, and a Chair was brought accordingly, and his Lordship sate thereon.

*Clerk of the Parliament,* Read the Charge.

*Articles* of Impeachment of High Treason, and other high Crimes and Offences against *William* Earl of *Powis*, *William* Viscount *Stafford*, and *Henry* Lord *Arundel* of *Wardour*, *William* Lord *Petre*, and *John* Lord *Bellasis* now Prisoners in the Tower of *London*.

1. THat *for many years now last past, there hath been contrived and carried on by Papists, a Trayterous and execrable Conspiracy and Plot within this Kingdom of* England, *and other places; to Alter, Change, and Subvert the Ancient Government and Laws of this Kingdom and Nation, and to Suppress the True Religion therein Established, and to Extirpate and Destroy the Professors thereof; which said Plot and Conspiracy was contrived and carried on in divers Places, and by several ways and means, and by a great number of Persons of several Qualities and Degrees who Acted therein, and intended*

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*tended thereby to Execute and Accompliſh the aforeſaid Wicked and Traiterous Deſigns and Purpoſes.*

*That the ſaid* William *Earl of* Powis, William *Viſcount* Stafford, Henry *Lord* Arundel *of* Wardour, William *Lord* Petre, *and* John *Lord* Bellaſis, *together with* Philip Howard, *commonly called* Cardinal of Norfolk, Thomas White *alias* Whitebread, *commonly called* Provincial of the Jeſuits in England, Richard Strange, *lately called* Provincial of the Jeſuits in England Vincent *commonly called* Provincial of the Dominicans in England. James Corker, *commonly called* Preſident of the Benedictines. *Sir* John Warner, *alias* Clare *Baronet*, William Harcourt, John Kenis, Nicholas Blundel, ———Poole, Edward Mico, Thomas Bedingfield *alias* Benefield, Baſil Langworth, Charles Peters, Richard Peters, John Conyers, *Sir* George Wakeman, Thomas Fenwick, Dominick Kelly, Fitzgerald, Evers, *Sir* Thomas Preſton, William Lovel *Jeſuits*, *Lord* Baltamore, John Carrel, John Townely, Richard Langhorn, William Fogarty, Thomas Penny, Matthew Medbourn, Edward Coleman, William Ireland, John Grove, Thomas Pickering, John Smith; *and divers other Jeſuits, Prieſts, Fryers, and other Perſons, as falſe Traytors to his Majeſty, and this Kingdom, within the time aforeſaid, have Traiterouſly Conſulted, Contrived, and Acted to, and for the accompliſhing of the ſaid wicked, pernitious and Traiterous Deſigns, and for that end did moſt wickedly, and Traiterouſly agree, Conſpire, and reſolve to Impriſon, Depoſe and Murder his Sacred Majeſty; and to deprive him of his Royal State, Crown and Dignity, and by malicious and adviſed ſpeaking, writing, and otherwiſe, declared ſuch their Purpoſes and Intentions.*

*And alſo to ſubject this Kingdom and Nation to the Pope, and to his Tyrannical Government.*

*And to ſeize and ſhare amongſt themſelves the Eſtates and Inheritances of his Majeſties Proteſtant Subjects.*

*And to Erect and Reſtore Abbeys, Monaſteries, and other Convents and Societies, which have been long ſince by the Laws of this Kingdom ſuppreſſed for their Superſtition and Idolatry, and to deliver up and reſtore to them the Lands and Poſſeſſions now veſted in his Majeſty and his Subjects, by the Laws and Statutes of this Realm:*

*And also to Found and Erect new Monasteries and Convents, and to remove and deprive all Protestant Bishops, and other Ecclesiastical persons from their Offices, Benefices and Preferments.*

*And by this means to destroy his Majesties Person, extirpate the Protestant Religion, overthrow the Rights, Liberties, and Properties of all his Majesties good Subjects, Subvert the lawful Government of this Kingdom, and subject the same to the Tyranny of the See of* Rome.

3. *That the said Conspirators and their Complices and Confederates, Traiterously had and held several Meetings, Assemblies, and Consultations, wherein it was Contrived and Designed among them what means should be used, and what Persons and Instruments should be Employed to Murder his Majesty; And did then and there resolve to effect it by Poisoning, Shooting, Stabbing, or some such like ways and means, and offered Rewards and Promises of advantage to several persons to execute the same, and hired and imployed several wicked persons to go to* Windsor *and other places where his Majesty did reside, to murder and destroy his Majesty, which said persons or some of them accepted such Rewards, and undertook the perpetrating thereof, and did actually go to the said Places for that end and purpose.*

4. *That the said Conspirators the better to compass their Trayterous Designs, have Consulted to Raise, and have procured and raised Men, Money, Horses, Arms and Ammunition, and also have made Application to, and Treated and Corresponded with the Pope, his Cardinals, Nuncioes and Agents, and with other Forreign Ministers and Persons to raise and obtain Supplies of Men, Money, Arms and Ammunition therewith to make, levy and raise War, Rebellion and Tumults within this Kingdom, and to Invade the same with Forreign Forces, and to surprize, seize, and destroy His Majesties Navy, Forts, Magazines and places of strength within this Kingdom, whereupon the Calamities of War, Murders of Innocent Subjects, Men, Women and Children, Burnings, Rapines, Devastations, and other dreadful Miseries and Mischiefs must inevitably have ensued to the ruine and destruction of this Nation.*

5. *And the said Conspirators have procured and accepted, and delivered out several Instruments, Commissions and Powers made and granted by, or under the Pope, or other Unlawful and Usurped Authority, to raise and dispose of Men, Moneys, Arms, and other things necessary*

*neceſſary for their wicked and traiterous Deſigns, and namely a Commiſſion for the ſaid* Henry *Lord* Arundel *of* Wardour *to be Lord Chancellor of* England, *another Commiſſion to the ſaid* William *Earl of* Powis *to be Lord Treaſurer of* England, *another Commiſſion to the ſaid* John *Lord* Bellaſis *to be General of the Army to be raiſed, another Commiſſion to the ſaid* William *Lord* Petre *to be Lieutenant General of the ſame Army, and a Power for the ſaid* William *Viſcount* Stafford *to be Paymaſter of the Army.*

6. *That in order to encourage themſelves in Proſecuting their ſaid wicked Plots, Conſpiracies and Treaſons, and to hide and hinder the Diſcovery of the ſame, and to ſecure themſelves from Juſtice and Puniſhment, the Conſpirators aforeſaid, their Complices and Confederates, have uſed many wicked and diabolical Practices,* (viz.) *They did cauſe their Prieſts to Adminiſter to the ſaid Conſpirators an Oath of Secrecy together with their Sacrament, and alſo did cauſe their ſaid Prieſts upon Confeſſions to give their Abſolutions upon Condition that they ſhould conceal the ſaid Conſpiracy.*

*And when about the Month of* September *laſt Sir* Edmundbury Godfrey *a Juſtice of Peace, had according to the Duty of his Oath and Office taken ſeveral Examinations & Informations concerning the ſaid Conſpiracy and Plot, the ſaid Conſpirators or ſome of them by Advice, Aſſent, Counſel and Inſtigation of the reſt, did incite and procure divers Perſons to lie in wait and purſue the ſaid Sir* Edmundbury Godfrey *divers days, with intent to Murder him, which at laſt was perpetrated and effected by them, (for which ſaid horrid Crimes and Offences* Robert Green, Henry Berry, *and* Lawrence Hill *have ſince been Attainted, and* Dominick Kelly *and* Girald *and others are fled for the ſame) After which Murder, and before the Body was found, or the Murder known to any but the Complices therein, the ſaid Perſons falſly gave out, that he was alive and privately Married; And after the Body found, diſperſed a falſe and malitious Report, That he had Murdered himſelf.*

*Which ſaid Murther was committed with deſign to ſtifle and ſuppreſs the Evidence he had taken and had knowledge of, and diſcourage and deter Magiſtrates and Others, from Acting in further Diſcovery of the ſaid Conſpiracy and Plot: For which end alſo, the ſaid Sir* Edmundbury Godfrey, *while he was alive, was by them, their Com-*

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*plices and Favourers, threatned and discouraged in his proceedings about the same.*

7. *And of their further Malice, they have wickedly contrived, by many false Suggestions, to lay the Imputation and Guilt of the aforesaid Horrid and Detestable Crimes upon the Protestants; that so thereby they might escape the Punishments they have justly deserved, and expose the Protestants to great Scandal, and subject them to Persecution and Oppression in all Kingdoms and Countries, where the Romish Religion is received and professed.*

*All which Treasons, Crimes and Offences above mentioned, were Contrived, Committed, Perpetrated, Acted and done by the said* William *Earl of* Powis, William *Viscount* Stafford, William *Lord* Petre, Henry *Lord* Arundel *of* Wardour, *and* John *Lord* Bellasis, *and other the Conspirators aforesaid, against our Sovereign Lord the KING, His Crown and Dignity, and against the Laws and Statutes of this Kingdom.*

*Of all which Treasons, Crimes, and Offences, the Knights, Citizens and Burgesses in Parliament Assembled, do in the Name of themselves, and of all the Commons of* England, *Impeach the said* William *Earl of* Powis, William *Viscount* Stafford, William *Lord* Petre, Henry *Lord* Arundel *of* Wardour, *and* John *Lord* Bellasis, *and every of them.*

*And the said Commons by protestation, saving to themselves the liberty of exhibiting at any time hereafter, any other Accusations or Impeachments, against the said* William *Earl of* Powis, William *Viscount* Stafford, William *Lord* Petre, Henry *Lord* Arundel *of* Wardour, *and* John *Lord* Bellasis, *and every of them; And also of replying to the Answers, which they, and every of them shall make to the Premises, or any of them; or to any other Accusation or Impeachment, which shall be by them Exhibited (as the cause according to Course and Proceedings of Parliament shall require) do pray that the said* William *Earl of* Powis, William *Viscount* Stafford, William *Lord* Petre, Henry *Lord* Arundel *of* Wardour, *and* John *Lord* Bellasis, *and every of them, be put to Answer all, and every the Premises; And that such Proceedings, Examinations, Trials and Judgments, may be upon them, and every of them, had and used, as shall be agreeable to Law and Justice, and Course of Parliament.*

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The Humble Anſwer of *William* Viſcount of *Stafford*, now Priſoner in His Majeſties *Tower* of *London*, to the Impeachment of High Treaſon, and other high Crimes and Miſdemeanors, exhibited againſt him and others, to the Right Honorable the Lords Spiritual and Temporal in Parliament, by the Knights, Citizens and Burgeſſes, in Parliament aſſembled, in the name of themſelves and of the Commons of *England*.

*THe ſaid Viſcount ſaving to himſelf all advantage and benefit of Exceptions to the generality, incertainty and inſufficiency of the ſaid Impeachment, moſt humbly beſeeching their Lordships thereof to take due notice, and thereunto at all times, to have a juſt regard; He anſwereth and ſaith, That he is not Guilty of all or any of the Offences charged againſt him by the ſaid Impeachment, and for his Tryal humbly and willingly putteth himſelf upon his Peers: no ways doubting but that by the Grace of God, and their Lordſhips impartial Juſtice, he ſhall make his Innocence appear. All which he moſt humbly ſubmitteth unto their Lordſhips further Conſideration.*

Stafford.

*Lord High Steward.* Gentlemen of the Houſe of Commons be pleaſed to proceed.

*Then Mr. Serjeant* Maynard *one of the Committee appointed to manage the Evidence, began as followeth;*

My Lords,

MAy it pleaſe your Lordships: By the Command of the Houſe of Commons, who have impoſed upon Us this Task, we are here to Proſecute this great Charge againſt the Priſoner the Lord at the Bar. My Lords, There are two Parts that are in this great Charge, there is a General, which is the Subverſion of the whole Nation, the King Himſelf to be Murdered, the Proteſtant Religion to be Suppreſſed, War to be introduced, and thoſe other things that are expreſſed in the Articles. This General is charged in particular upon this Lord; And my Lords, it was in conſideration how far it was fit to meddle with this General at this particular Tryal. For if this Lord be guilty of ſuch Crimes, it will prove well enough that there was ſuch a Plot; but, my Lords, withall we did conſider when the firſt Diſcovery of this Plot was made, how afterwards

afterwards it took cold, how rumors were raiſed againſt it, how there were endeavours to ſuppreſs the belief of it, and therefore my Lords, we do conceive that it is fit we ſhould firſt ſettle that, that there was a general Plot, a Plot of ſuch a Nature as the Articles expreſs.

Some Objections we thought there might be raiſed, becauſe it hath been ſo long in the World, ſome years now ſince the Diſcovery of it, ſome perſons, that is ſome ten or eleven Proſecuted and Atatinted for it, and therefore that might have been ſatisfaction enough that ſuch a Plot there was; beſides, that there have been publick Declarations of the Particulars to the World; But being now to proceed before your Lordships in a judicial way; We did think fit, and we hope your Lordships will approve of it, to ſpend ſome time in the Proof of the general Plot, which we hope will be to the ſatisfaction of your Lordships and the whole World; for we do not think that *England* only looks into this days Tryal, but the whole World one way or other, the whole Chriſtian World is concerned in it. My Lords, after the Publication of theſe things, (which were not judicial) how far your Lordships will believe them as Judges, we know not, we will prove it now, that their Policies and Contrivances may be laid open to the World; And firſt we offer it to your Lordships, becauſe we have made it part of the Charge: And ſecondly we ſhall do it, becauſe we think your Lordships are not obliged to believe things that are in Print, till we prove them by Witneſſes judicially before you. But the main Reaſon why we do it is, becauſe we would touch upon thoſe Endeavours that have been uſed to make this ſeem as if it were a kind of State Plot, I know not what to call it, a *Chimæra*, an Imagination, and not a real thing. This they laboured many ways to effect, but we ſhall prove that it is a very real and a very true one,

When that *Oats* firſt made a Diſcovery, it ſeems it had not that weight, that we think now it will clearly have with your Lordships; and had not the Murder of Sir *Edmundbury Godfrey* followed in the Neck of it, the World as it was aſleep would have lain ſo, but that awaked us.

My Lords, it fell out in this Caſe as it did in another, when *Cateline* the Traytor was a great way off *Rome*, and four other Lords with him, *Caſſius*, *Cethegus* and others, five in all, it came to paſs, that as the great Orator that was at that time ſaid, *Many were ſo ignorant that they would not think it, many were ſo unwiſe they would not believe it; ſome ſo ill that they would favour it; & ſome ſo much worſe that they did Foſter it: but all of them in not believing it, gave ſtrength to the Conſpiracy & the Treaſon.* And ſo it did here, for we look not upon our ſelves as diſcharg'd from the Treaſon when Diſcover'd, but when Prevented.

My Lords, another Reaſon to induce us into the Proof of the main Plot is this, We do not look upon it as a particular Offence, as if one Lord was only to be queſtioned and appear before your Lordships judicially for it; he is indeed only before you at this time to receive his Tryal, and your Judgment: But my Lords, this is a

Treaſon

Treason of a Faction, and of a general Party in the Nation, 'tis not this or that Lord, but a great number; 'tis not this or that Lord that is mentioned in the Articles, but the Conspiracy is of a great Faction. This we do think, and this makes us so earnest to press the general before your Lordships, that we may give satisfaction to your Lordships and the World what this Plot hath been; and how carried on every where.

My Lords, The Consequence of that is very great; for my Lords, if there were a general Design, and a general Plot, as clearly there was, for some were to act in *Spain*, and some in *France*, some in other places, some in *Ireland*, *Scotland* and *England*; and a great number of Jesuits, (we have a matter of Thirty in Chase about this business:) I say my Lords, if it be so, if one Action be in one place, and another in another, yet if there be a common Consent to accomplish this Plot, then what the one does, is the Act of All, and the Act of All is the Act of every one.

My Lords, The Persons were many, and the Places and Times many they acted in, and the Designs which they were to accomplish, and the means wherewith they were to accomplish them were many too: Great, and wicked were their Designs to destroy our King, to take him out of the World; and why? upon hopes of better times to them under him that should succeed him. Another part of the Design was, to destroy, not this or that man that stood in their way, but the whole Body of the Protestants here in *England*; not a Murder, but a Massacre and a Slaughter of all whosoever they were that came near them, and none were to escape, for if any meant to flee, they would be sure to cut them off; nay, not only to destroy our King, though that be the greatest Offence that our Law can take hold off, but to destroy our Religion, and to destroy us, because of our Religon.

To accomplish this (that we may open the generals of it) Arms were to be provided, Men to be raised, an Army was formed in effect, and who to Lead, and who to Command, and who to pay; But my Lords, not only were Arms to be had here among our selves, but a *French* Aid must be fetch'd in, Assistance from *France* must come too, Intelligences and Letters are written, and Correspondencies had, and Aids promised by the Ministers from thence.

My Lords, 'Tis a strange thing that *English* men should contrive to have an Invasion of Strangers upon their own Country, and surely they are the worst Biggots in the world that were so zealous to destroy their own Nation, and they were not wise sure, to think, that if the *French* did come in, they should continue great Lords or great Men, and yet thus it was in general; It is very strange that it should enter into the heart of any man to destroy so many persons: But my Lords, if we look upon what did incourage them, and what confirmed them in this Design, and what they have published to the world about their Religion, we shall not wonder at it, since they tell us 'tis lawful to kill an Heretick King, and the

King

King of *England* is an Heretick they say, and so declared, so that whosoever would Kill him, did a lawful and pious piece of Service to God; Nay, not only so, but a Meritorious and Glorious one too, for which they may be Canonized for Saints.

My Lords, we find it is no new thing, look into all the Nations where the Pope hath any Power, or a possibility of hope to gain a Power, nothing hath been able to stand in their way, but they have broken through all the Bonds of Nature, and other Obligations to attain their Ends. Look into *Spain*, King *Philip* there removed his own Son, by what means the Story tells us, he was Heir apparent, but he was a Protestant: and there also the Father puts Fire to his own Daughter because she was a Protestant, there a *Spaniard* goes from *Spain* into *Germany* to murder, and did murder his Brother for no other cause but because he was a Protestant. Leave *Spain* and go into *France*, what Massacres have been committed there under the colour of a Marriage in Queen *Elizabeth*'s time, and before that how many hundred *Albingenses* and *Waldenses* have been put to the Sword for Religion. Come we to our own Country, and look into *England* what hath been done here, when Queen *Elizabeth* had a Successor of another Religion, how many Attempts were there made upon her Person to bring that Successor in? When King *James* came to the Crown let us remember the *Gunpowder Treason*, wherein all the Nation was to be destroyed, King, Lords, and Commons together, and in Parliament assembled were then to be a Sacrifice, a Burnt-offering, though they might call it a Peace-offering: for these Gentlemen are for Sacrifices of Blood as Peace-offerings, to reconcile us to the Pope. If this be made out, we think, their Principles having produced these fruits in other Ages, we may believe they would do so now.

What has been said as History of former times is not offered as Evidence of Fact to the present Case, but induces a probability that what hath been done by such persons may be done by them again. But, my Lords, we shall make it clear, and bring it home to this Lord, that he hath had his Head, his Tongue, his Hand, his Heart and his Purse in this damnable and horrible Contrivance and Treason for the destroying of the King, the Government, our Religion, and our Nation. We shall bring it home to him: But my part is only to open the general Conspiracy. And indeed my Lords, it is an heavy burden on my aged Shoulders, considering that the Winter of Infirmity and Age is growing so fast upon me.

My Lords, the particulars concerning this Noble Lord, because the Credit of it rests on the Testimony only of one man, *viz.* Mr. *Oats*, whose Testimony being taken by Sir *Edmunbury Godfrey* a Justice of Peace, and kept in writing by him, then Sir *Edmundbury Godfrey* was way-laid, and murdered by men of the Popish Religion, thereby to suppress the Examination that he had taken.

This startled and opened the eyes of the world to look about us for farther Discovery,

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covery, leſt we ſhould be led as *Oxen to the ſlaughter not knowing whether we went.*

Afterward it pleaſed God to bring ſome of their own Religion and party to make farther Diſcovery. Whereupon ſeveral Jeſuits Guilty of the Plot were therefore Proſecuted and brought to Judgment and Death.

After the Murder of *Godfrey* ſeveral Fables were ſpread abroad, as if he were alive and Married, as was declared to ſeveral Lords, others of the party Reported he had Murdered himſelf; but his Body being found; it was hard for the party to invent or tell, whether he firſt ſtrangled himſelf, and then run himſelf through, or firſt run himſelf through, and then ſtrangled himſelf; that was a *Dilemma* to diſprove their Fables touching *Godfrey*'s Murder.

It then fell out, that Mr. *Bedlow* came as a ſecond Diſcoverer, whoſe Teſtimony Concurred with *Oats*. And then there being two Witneſſes, as is neceſſary in caſe of Treaſon, the Deſign was to take off *Bedlow* that there ſhould remain but one, a ſingle Witneſs. In order to which *Reading* tempts *Bedlow* with Rewards to leſſen his former Teſtimony, and qualifies that which he had depoſed poſitively was but matter of hear ſay; For which *Reading* the Inſtrument in that Deſign and Attempt, was Indicted and Convicted by three Witneſſes, and ſuffered accordingly.

But then this Attempt upon *Bedlow* failing, the next Attempt was to take off *Oats* his Teſtimony, by charging him with an Infamous offence; for which purpoſe one *Knox* is imployed, who Suborns *Lane* and *Oſborn*, and they Swore it againſt *Oats*. But on Re-examination Confeſs the Subornation and Falſhood of their Deſign: and *Knox* and *Lane* are therefore Indicted and found Guilty.

Thus when the Treaſon was diſcovered, the Murder of an Officer of Juſtice is made the means to hide it, and then Falſe and Infamous ſtories ſet on Foot of that Officer to hide that Murder; and Perjury and Subornation the means to blaſt the Diſcoverers.

Theſe wicked and ill practices we take to be a ſecond reproof of the Plot both in general and particular, the Records of which Convictions are here before your Lordships ready to be proved. For *Cui bono?* none would do ſuch wicked practices but to hide a greater Sin and worſe Deſigns if poſſible will be opened, and proved by one to whom that is particularly appointed.

My Lords, we ſpeak this that the World may receive Satisfaction we will let our Evidence be all open and publick in the face of the Sun, and ſhew we go not about by private Subornations, though there are endeavours to encounter us by ſuch.

My Lords, If we make out theſe things, here is Matter enough for the Satisfaction of the World as to the general Contrivance; But my Lords, As you ſit here as Judges of this Lord, the Priſoner at the Bar, we muſt bring it down to particular Perſons, and we ſhall do it even to him that thoſe things which were mentioned in General were his Contrivance at leaſt-wiſe, as a man highly,

deeply guilty of Conſpiring the Kings Death, and in order to that, of raiſing an Army, and the other things that have been opened.

My Lords, I beſeech you to pardon me if I have troubled you too long; The Particulars were many, and I have had little help to prepare it from any body but my ſelf, but I ſubmit my ſelf to your Lordships, and hope that what is wanting in me will be ſupplyed by others that follow; and I alſo hope you will find no defect in our Evidence at all, whatſoever may have been in the opening of it.

*Then Sir* Francis Winnigton *another of the Committee appointed for the Management of the Evidence, began as followeth*;

My Lords,

I Shall begin where Mr. Serjeant *Maynard* ended, and confine my ſelf to this Caſe as it ſtands before you, and to open the particular Evidence relating to the Lord, the now Priſoner at the Bar.

My Lords, I look upon the Cauſe of this day to be the Cauſe of the Proteſtant Religion, and I doubt not but that Plot which has alarm'd all Chriſtendom, will be ſo clearly made out in this Tryal, that the moſt malicious of our Enemies will henceforth want Confidence to deny it.

That the Religion of the *Papiſts* does countenance and encourage the Murdering of Princes, the Maſſacring of ſuch as they miſcall Hereticks, and the committing of all ſorts of Impiety in order to promote their Superſtitions, and Idolatries, has been mentioned by the Gentleman who ſpoke before me, and I ſhould miſpend time to ſay more of a truth ſo well known in ſo great and ſo learned a Preſence. I will therefore directly apply my ſelf to the Buſineſs of the day, to repreſent to your Lordships our Evidence of the Plot in general, and of the Guilt of this Lord at the Bar in particular.

In order to which, I ſhall crave your Lordships leave that I may uſe this method;

Firſt, To ſhew what advantageous opportunities the *Papiſts* had to enter into, and undertake this great and deteſtable Conſpiracy.

Secondly, To prove the reality of the Plot in general, which I look upon as a very eaſie undertaking.

Thirdly, To ſtate the particular Evidence againſt the Priſoner at the Bar by which he will appear to have been one of the principal Conſpirators in this horrid Deſign, to murder our Soveraign, (whom God preſerve) to extirpate the *Proteſtant* Religion, and to ſubvert totally the Government and Fundamental Laws of this Kingdom.

My Lords, To ſhew what extraordinary Advantages the *Papiſts* had to enter upon this Conſpiracy, will very naturally lead us into our Proof of it, and therefore I ſhall ſpeak ſomewhat to that in the firſt place. It is not unknown

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to your Lordships, or to any others who have in the least degree inquired into Affairs, that His Majesty has been so unhappy as that (unawares to him) some Ministers who have been *Papists* at the Bottom, and others that have drove on their Interest, have crept into his Councils, and thereby gave great opportunities to advance *Popery*.

'Tis most true, that as soon as these ill Ministers were detected, and their ill Designs discovered, His Majesty did discharge them. But to the misfortune of the King and his People, as ill men have been recommended to succeed them, and came into their places.

In the next place, my Lords, There did appear in some men too easie and favourable a disposition towards the *Papists*. They were grown strangely moderate towards these old Enemies of our Church and State. New Projects of Reconciling us were set on foot, and Books were written to distinguish the Church of *Rome* from the Court of *Rome*. One of those Books, which was printed the year before the Discovery of the Plot, pretends, That there ought to be a Difference made between *Papists* of Loyal and Disloyal Principles. This Book, as it was written more artificially than the rest, and published in so critical and dangerous a juncture, deserves, and I doubt not in time will have, a particular Consideration. 'Tis easie to believe how great Encouragement this must give to the *Romanists*, to see how very willing men were to meet them, and how freely the Pen was drawn in their favour.

Another great Encouragement, my Lords, which the *Papists* had, was, That by the means of those Ministers who were secretly of their Faction, whensoever His Majesty was pleased to command the Laws made against them in the Reign of Queen *Elizabeth* and King *James*, to be put in due Execution, his good Intentions were frustrated, and the Severity of those Laws was turned upon the *Protestant* Dissenters. This was a Masterpiece of *Rome*, not only to divert from themselves the edge of those Laws which were designed against them; but to turn them upon the *Protestants*, and to make them useful to advance the *Romish* Interest. And when they had thus divided and distracted us, then was the fairest time for them to attempt to destroy us utterly, and to make sharp their Weapons in order to a Massacre.

But, my Lords, That which gave the *Papists* the greatest encouragement to enter into this detestable Conspiracy, was, that they had (to the great unhappiness of this Kingdom & the *Protestant* Religion) the expectation & hopes of a *Popish* Successor. This was an opportunity not to be lost. They had abundant Experience of His Majesties Firmness in the *Protestant* Religion, both during his Exile and since his happy Restauration, and how resolutely he had kept that Promise which he made in his Letter from *Breda*, That neither the Unkindness of some *Protestants*, nor the Civilities of some *Papists* should in the least degree startle him, or make him swerve from his Religion.

They therefore could have no hopes of arriving at their Point, the Re-eſtabliſhment of their Church, whilſt the King liv'd; and it was too great a hazard to expect His Majeſties Death by the Courſe of Nature: And therefore, like true *Papiſts* that would ſtick at no wickedneſs to accomplish their Deſigns, they threw off all Bonds of Loyalty and Allegiance, and reſolved to deſtroy our Soveraign, whoſe Life was the only Obſtacle in their way. This was the laſt and moſt wicked part of their Plot, which though it conſiſted of very many parts, yet this was the principal; and our Evidence againſt the Lord at the Bar will chiefly run to this part of the Deſign.

I have only mentioned ſome of thoſe Encouragements which the World plainly ſaw the *Papiſts* had, before the Plot was detected: But ſince the Diſcovery, it has been abundantly prov'd, that it had been carrying on for many years, and that ſo univerſally, that it is a wonderful thing it appeared no ſooner.

My Lords, I come now to our Evidence; and though it may ſeem unneceſſary to prove to your Lordships the general Plot of the *Papiſts*, who are ſo well ſatisfied of it already, and have more than once declared ſo to the world; yet becauſe it is the moſt natural method for us, firſt to prove that there was a Conſpiracy, before we attempt to prove this Lord to have been one of the Conſpirators, we ſhall beg your leave as to that particular; and as we ſhall be careful not to take up too much of your time, ſo we well know your Lordships will allow us all the time neceſſary to give our Evidence.

We have many Records, things reduced to Judgment, whereby the Plot is moſt undoubtedly proved, and which are legal Evidences before your Lordships. The Attainders of ſeveral Jeſuits and Prieſts, the Attainder of *Langhorn* and of *Coleman*, whom I ſhould have named in the firſt place. We have alſo the Conviction of thoſe that were proſecuted for the Murder of Sir *Edmundbury Godfrey*, and there is a Conviction, though not for Murder, yet for cutting the Throat of Mr. *Arnold*. 'Tis true he is not dead, yet, as to the publick, I count him murdered by the Papiſts, though he be alive in the world. My Lords, we have Convictions not only of Treaſons, Murders and cutting of Throats, but of almoſt all other Villanies whatſoever. As of Attempts to ſuborn Witneſſes, and to ſcandalize the Kings Evidence; and to that we ſhall produce the Record concerning *Readings* attempt upon *Bedlow*; that concerning the Suborning of *Knox* and *Lane* to Swear Buggery againſt Dr. *Oats*: and the Conviction of *Tasborough* and *Price* to corrupt *Dugdale*, a principal Witneſs as to this Plot.

I only mention theſe particulars, my Lords, and certainly as you are a great Court of Record you will take notice of them. It would be a hard thing perhaps to ſpend the time in reading all, ſince all of them are made known to the world already, but we ſhall in the courſe of our Evidence produce them, and you may read ſuch of them as you pleaſe. All the uſe we make of them is for the proof of the gene-

general Plot, which is requiſite to be done, for it will be hard to believe the Priſoner Guilty of the Plot, if there were no ſuch Plot at all.

My Lords, we ſhall make appear to you things which have not yet been brought into Judgment. In the year (76.) we ſhall prove by a Witneſs that was then abroad, and diſcourſed with *Anderton*, *Campion*, *Green*, and ſeveral other Prieſts and Jeſuits, that they did acquaint him that there would be great alteration in *England* ere long, that the King was a Heretick and Excommunicated, and might be deſtroyed; and this Doctrine they continually and induſtriouſly preached. And they further ſaid, if once the King were removed, (who alone ſtood in the way) their Religion muſt needs flourish; for this Reaſon, (as the Witneſſes will ſpeak) that the Duke of *York* was on their ſide.

My Lords, We ſhall prove, that they had in *England* men no leſs induſtrious amongſt them, ſome whereof have been Executed; *Gavan* by name, who made it his buſineſs to go up and down in ſeveral Counties of this Kingdom, to prove by Scripture, Councils, and Examples, That it was a lawful undertaking to kill His Majeſty. Theſe things I name, as neceſſary in order to introduce our particular Evidence, I am unwilling to dwell longer upon this point of the general Plot. I ſhall produce the Records, and produce our ſeveral Witneſſes, Mr. *Oats* and others that will give you a full and plain Account of it.

My Lords, Having done with the general Plot, I come now to open the particular Evidence againſt my Lord, the Priſoner at the Bar. As to him, my Lords, our Evidence ſtands not upon Conjectures, or upon meer Probability, becauſe this Lord is (as we well know) a zealous *Papiſt*, and hath owned himſelf ſo, but we have expreſs particular Proofs againſt his Perſon. My Lords, we have one Witneſs to produce to your Lordships who will prove, that in *September* (78.) there was a Conſult of ſome Prieſts and other Conſpirators at *Tixall* in *Staffordſhire*, my Lord *Aſton*'s Houſe, for killing of the King, where my Lord *Stafford* was preſent. And by a Diſcourſe in the ſame month, we ſhall prove what reaſons this Lord did give, why he and their Party undertook the Murdering of the King, becauſe he ſaid, That he and many Catholick Families had no Recompence for their Loyalty, but if any thing fell it was diſpoſed of to Rebels and Traytors. This he reſented deeply; but above all, the Obligation of his Conſcience and of his Religion perſuaded him to it, and confirmed him in his reſolution to go on in this horrid Deſign.

My Lords, we will go farther, and prove that this Lord offered 500 *l.* out of his own Purſe to carry on the Plot, and particularly this part of it for killing the King. We ſhall produce to your Lordships a Witneſs to whom he made this offer, as looking upon him to be a faithful man, and having received ſo great a Character of him from one *Evers* a Prieſt, that he thought he might ſafely communicate the matter to him, and the Argument he urged to perſuade the Witneſs, beſides the 500 *l.* which he ſaid upon his application to *Harcourt* and

*Ireland*,

*Ireland* they should pay him, was this, that others as well as he was employed in the same Design, that it was the only way to establish the *Romish* Religion in *England*, that he would lay an everlasting obligation upon all the Persons of that Persuasion, and that he should not only have his Pardon, but be Canonized for it.

My Lords, This is the substance of the Testimony of the first Witness which we shall produce against my Lord *Stafford*, and that is so express as *I* think it can hardly be answered.

My Lords, Our next Witness says thus; (for I shall but open the substance of what they say) In *June* or *July* 1678. there were several Letters from this Lord at the Bar, to the Jesuits in *London*, in which his Lordship did declare, his readiness to serve them in their great Design; and in *June* (78.) the latter end of the month, my Lord *Stafford* came to Mr. *Fenwicks* Chamber in *Drury-Lane*, (he went not then by the name of my Lord *Stafford*, but by the name of Mr. *Howard* of *Effingham*) and there he did receive a Commission from *Fenwick* to be Paymaster-General of the Army which was to be raised for the carrying on the Plot. His Lordship told them he was then going into the Country, but he hoped he should soon hear from them, that they had done the business, at least, that it would be done before his Lordship did return. To which *Fenwick* made answer; Your Lordship must look after the business as well as other Persons, and there will be need of some to Countenance it in Town; thereupon the Lord, the Prisoner at the Bar, said, That they had been often deceived by this Prince and been patient with him, but they would bear no longer, but were now resolved to do the Work without delay, for their patience was worn out. Several other particular Circumstances the Witnesses will acquaint your Lordships withal, which I shall not take up your time with.

My Lords, We have a third Witness as considerable and particular as any of the rest, one that lived three years in the Lady *Powis* House, had his Education there, and was persuaded by that Lady and by one *Morgan* a Jesuit to become a Fryer, and to that end was sent to *Doway*; But not liking to continue at *Doway*, (he will tell you the reason why) he escaped to *France*, and at *Paris* came to his Brother, a Benedictine Monk there, who advised him to go for *England*. But whilst he staid at *Paris*, this Gentleman, by the means of his Brother and other Priests, grew into a great familiarity with my Lord *Stafford*, who was then in *France*, and who at last came to have such a great Confidence in him, that his Lordship could not hold, but told him, that though he had disobliged all his Friends by his going away from *Doway*, yet he had something to propose to him which would be a means to reconcile him to his Friends, and bring him into preferment, and into the friendship of all good Catholicks, whom he would oblige by it. The Gentleman was willing to embrace so happy an opportunity, and desired to know what it was, could procure him so great a good; My Lord *Stafford*, the Prisoner at the Bar, told him, It was a thing of very great Importance, and,

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after having required from him all possible obligations of Secrecy, he told him plainly what great benefits would accrew to himself, and what advantage to the Catholick Cause, if he would make himself and the Nation happy by undertaking to kill the King of *England*, who was an Heretick, and consequently a Rebel to God Almighty. My Lord *Stafford* did believe the Witnesses did embrace this proposal warmly, and therefore directed him to prepare to go for *England*, and to go before hand from *Paris* to *Deep*, where he would meet him, and go over with him. But it seems my Lord *Stafford* met with some diversion, for he did not keep his word with him in coming, and so this Gentleman, being disappointed, went over without him; but fearing to be called upon to the same Service, he returned back again suddenly, and went into the *French* Army.

My Lords, We shall produce these Witnesses against the Lord at the Bar, and when they have proved to your Lordships what I have opened, any one, who was not acquainted with the *Popish* party, would believe they would be at a loss how to acquit themselves from this Charge. All manner of foul and indirect practices have been used by them to Terrifie, to Corrupt and to Scandalize our Witnesses; all manner of Objections have been made to our Evidence. If the Witness does not come up to speak directly to every Point, we are told, he says nothing at all; if he speaks directly, they cry, he is not to be believed. Thus they have a ready answer to every Witness that has been, or ever shall be produced, either that he says nothing Material, or that nothing that he says ought to have any Credit.

But we doubt not, by this Tryal before your Lordships, if we cannot stop their mouths, at least to convince all the World besides, of the reality of this Plot.

It will be no wonder if their Confidence goes on still to frame Cavils, They are used to scandalize the Government, and they cannot give it over. How often has His Majesty under his Great Seal, published and declared this Conspiracy? How often has he press'd His Parliaments to go on to bring the Conspirators to Punishment, and at the opening of this very Parliament, he says plainly, That he does not believe himself safe from their Designs. Your Lordships also have Voted the unquestionable Truth of the Plot, and so have the Commons; yet these men are so hardy, as still to deny the plainest Truth so confirm'd as this hath been.

Nay, My Lords, Their Malice goes yet farther, for they have been so Bold as to whisper up and down, and industriously to spread Reports before the Trial, as if this Lord at the Bar, and the rest who are Impeached should certainly be acquitted. We do hope to be able to detect the Authors of this great Scandal, and the Commons doubt not of your Lordships Concurrence to assist them in bringing them to their deserved Punishment. This is sure, the first time that ever any sort of men presumed to Reflect upon the Justice of this High and Noble

Court.

Court. Your Anceſtors, my Lords, did by their Honour, Courage, and Juſtice, preſerve our Anceſtors: The advantage of which, We, who are deſcended from them, do now enjoy, and We ſhall never have occaſion to doubt in the leaſt, but that your Lordships will tread in their ſteps. You have in your hands a great Opportunity to make your Zeal for Truth, and for the *Proteſtant* Religion famous to Poſterity. No Artifice or Malice can Create the leaſt Jealouſie in us, that ever your Lordships ſhould ſhew any Partiality or Injuſtice to the Commons of *England*, To your Judgement this Cauſe is ſubmitted, and when we have your Judgement, we doubt not but we ſhall drive *Popery* out of this *Engliſh* World.

*My Lords*, We ſhall go on to the proof of our Cauſe, and I hope this will be a happy day to us and the whole *Proteſtant* Intereſt.

*Then Mr.* Treby *alſo one of the Committee appointed for the Management of the Evidence, began as followeth*;

My Lords,

THeſe two Learned Gentlemen have fully diſcharged their Province.

I ſhall proceed to call our Witneſſes to give their Teſtimony.

But before we produce them, your Lordships will be pleaſed to take notice, that our Evidence will conſiſt of *Two* Parts; *general* and *particular*; the *general*, to ſhew the *Univerſal Conſpiracy*; the *particular*, to ſhew what ſpecial part this Noble Lord, the Priſoner at the Bar had in it.

And though in the *firſt* part my Lord *Stafford* may not be particularly named, yet that Evidence will be pertinent and proper for us to give, in this Trial of my Lord *Stafford*; for, we charge him not with the *Private* Treaſon wherein he with his immediate Complices only might be concerned, but it is a Treaſon of the *Popiſh Faction*, or at leaſt, the *Principal* and Active *Papiſts*.

We lay it in our Articles of Impeachment. That there was an *Execrable Plot contrived and carried on by the Papiſts*, and that the Conſpirators acted diverſe Parts, and in diverſe places *beyond Sea, as well as here*. It was a Treaſon that did beſtride *two* Lands, *England* indeed was the thing aimed at; the deſtruction of the Religion, Government and Liberty of *England* was the *End*; but the *Means* and *Inſtruments* were not Collected *here* only, but part of them were to be brought in from *abroad*.

This is an Enterpriſe too extenſive to be *intirely* manag'd by a *Single* Nobleman, And though we look upon my Lord *Stafford* as a great *Malefactor*, yet we cannot think him ſo great a *Man* as to be able within his own Sphere to compaſs this whole Deſign.

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Should we not take this course of Evidence first to prove the General Plot, it might be a great and just objection in my Lords mouth to say, *You charge me with a Design of Subverting the Kingdom, how is that possible to be undertaken by me, and those I have had opportunity to converse and confederate with? a mighty part of the Catholick World had need be engaged for such a purpose.*

My Lords, If this would be a material Objection from this Lord, then will it be requisite for us to obviate and prevent the Objection by shewing first, that there was such a grand and universal design of Papists, in which this Lord was to co-operate for his distinct share; though perhaps when we descend to our particular Evidence it will appear, that his part hath been great, and manag'd with malice as great as any.

My Lords, We shall begin with a Witness, a Gentleman whose Education has given him the opportunity of knowing the inside of their Affairs, and we presume he will give you a satisfactory account, his name is Mr. *John Smith.*

*Lord High Steward.* What do you call him to, Gentlemen?

Mr. *Treby.* To the General Plot, my Lords.

Lord *Stafford,* May it please your Lordships, I know not who he is, nor his Name, I humbly beseech your Lordships that this Witness, who ever he be, and all the rest that have any thing to witness against me, may look upon me face to face, according to the words of the Statute. I humbly beseech your Lordships to grant me this, which I take to be according to Law; and that each may give his Evidence alone, and that both against me and for me, one may not know what the other says.

*Lord High Stew.* My Lord, You shall have all the fair proceeding that can be.

Lord *Stafford.* The Law says, my Accusers must look me face to face. I desire to have the words read.

*Lord High Steward.* Your Lordship may see him there where he stands up.

Then Mr. *Smith* turned, and looked upon my Lord *Stafford.*

Lord *Safford.* I do see him, but do not know him.

*Lord High Steward.* Swear him.

*Clerk.* The Evidence that you shall give in the Tryal of *William* Viscount *Stafford,* shall be the truth, the whole truth, and nothing but the truth, so help you God, and the Contents of this Book.

*Lord High Steward.* Your Lordship observes he is not brought as a particular Witness against your Lordship, but to prove the general Design of your Party.

Lord *Stafford.* 'Tis still concerning me.

*Lord High Steward.* Look upon my Lord *Stafford* (which he did) and now tell your Evidence.

Mr. *Treby.* This is Mr. *Smith,* my Lords. And that which we would examine this Witness to, is the general Design of the Plot, what knowledge he hath had of it here or beyond Sea, the Gentleman is able to understand the general Question.

Mr. *Smith.* My Lords, I remember very well, when I went first into *France*, I came acquainted with Abbot *Montague*, Father *Gascoyn*, and several other Popish Priests and Jesuits, who often discoursed with me, and told me, if I would make my self a Catholick I should have an Employment amongst them there, and afterwards in *England*; for they did not doubt but the Popish Religion would come in very soon; upon which I asked his Lordship the Abbot one day, what reason he had to believe it? he told me two reasons; first, that they did not doubt but to procure a toleration of Religion, by which they should bring it in without noise; and secondly, that the Gentry that went abroad did observe the novelty of their own Religion, and the Antiquity of theirs, and the advantages that were to be had by it. These Reasons Abbot *Montague* gave me. There was one Father *Bennet* and others, that told me the chief reason was, their party was very strong in *England*, and in a few Years they would bring it in right or wrong. All this would not prevail with me to turn Papist, and I lived among them several Years. At last I had a design to go to *Rome*, and as I went I had a design to go to *Provence*, (and so into *Italy*) where there was one Cardinal *Grimaldi* coming thorough the Town, and the Jesuits having a great School there, I was curious to go to the School, and they were very desirous I should tarry for some time in the Town; I did, and they made much of me, and told me much to the same substance, what assurances they had of their Religion coming into *England*. At last they had a desire I should discourse with the Cardinal, which I did, and he made much of me, and he it was that perverted me to the Romish Religion; upon this the Cardinal shewed me a pair of Hangings that were in his House, which he said did belong to the Queen Mother, and were bought in *Paris*, and he told me he was acquainted with many of the Nobility in *England*, and that he had great assurance the Popish Religion would prevail, and he told me there was but one in the way, and though that man was a good natured man, yet they could not so far prevail upon him, but that to accomplish their designs they must take him out of the way; but at last I left this place and went to *Rome*, where I lived some years in the English Jesuits Colledge there, and when I had lived there five years, I came to be Prefect of several Rooms there which are the Scholars Lodgings and places of Study. I have heard it there often disputed in their own Colledge, both preach'd and privately exhorted, that the King of *England* was an Heretick, and that there was no King really reigning, and who ever took him out of the way would do a meritorious action.

*Lord High Steward.* Who was that that said so?

Mr. *Treby.* Name the persons.

Mr. *Smith.* Father *Anderton*, Rector of the Colledge, who was a very good Scholar, Father *Mumford*, and one Father *Campion*, but chiefly one Father *Southwell*, one of the chief of the Jesuits. And I doubting of the truth of that Opinion, they did shew me several of their Books there, and directed me to some passages of

*Mariana.*

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*Mariana*, *Vasquez* and *Bellarmine*, which I have since published to the world, wherein they did assert it as a true Doctrine, and as Christian Doctrine, what the Fathers told me; and this was never condemned at *Rome*. Besides, my Lords, when I was coming from *Rome*, with my Faculty and License signed by Cardinal *Barberino*, who generally conducts, or causes to be conducted all Papists to take their leave of the Pope; and before we came away (for there were five or six of us together) for a whole month these Fathers were exhorting us, That we were not obliged to obey the King of *England*, and that in all private Confessions we were to instruct all persons that we thought were capable of any design, That they should use all their endeavours for promoting the Popish Religion. I coming into *England*, made my application to Dr. *Perrott*, who belonged to the *Portugal* Ambassador, and was chief of the Popish Clergy in *England*: I was kept there some months, to say Mass in his Chappel; and afterwards I was sent into the North, (where there were abundance of Jesuits and Fryers) to one Mr. *Jenison*'s House, where knowing the Principles of these people, I made it my business to rout these Jesuits away, especially out of Mr. *Jenison*'s House, who had a Kinsman of his own that was a Jesuit, and used to serve him in his House, and great complaint was made against me; and there was one Mr. *Smith*, otherwise *Serjeant*, in the North, who gave me intimation of it; ond to whom I wrote to satisfie him and the Clergy, of the grounds and reasons why I routed them away; which if he be in *England* now, he can justifie. Upon this, I received a smart Letter, as a kind of Reprimand for my doing so; and he told me, That though they did agree with me in Doctrine, yet they would endeavour what they could to bring in the Popish Religion. And taxed me sharply for appearing against it. I told him how the Jesuits perverted the Duke of *York*; and that by that means they would be the chief men in *England*, though there were none of their Order till Queen *Elizabeths* time. Besides, My Lords, in *Rome* I saw *Coleman*'s Letters, and read them once a month, as I believe; wherein he gave us intelligence of several passages that happened in Court; how the Duke and the Queen, and the chief of the Nobility were of their side; how they carried matters several times; the ways my Lord *Clifford* did use, and Sir *William Godolphin*, to effect the work; and that they did not question but they should get my Lord Treasurer *Danby* on their side too. This was in *Coleman*'s Letters, and he had so much allowance for his Intelligence. These Letters of his I read several times in the Colledge. My Lords, afterwards when I came from *Rome*, I saw Abbot *Montague* again, and he said he was very glad to see me, and that I was a Priest; well but, said I, what am I the better? where is the Employment you promised me when I should come into *England*? He told me I should have it very soon, and he was very glad that I had not made my self a Jesuit; and he recommended me to Dr. *Goffe*, Confessor to the Queen Mother; who said, he would do any thing in the world for me, and he did not doubt but he should get a preferment for me; which Dr. *Goffe* is now

living. Truly when I came into *England* I found all the Popish Clergy of *England*, that I discourſed with, of the ſame opinion, that they did not doubt but the Romish Religion would ſoon come in. And beſides, in the North there was gathering of Money, in which I was ordered to be one of the chief men; but I was againſt it: I told them I would do nothing in it, I thought it was illegal to ſend any Money beyond Sea: they told me it was charity only to repair the College at *Doway*: I told them it was ſtrange that there ſhould be ſo much Money raiſed only to repair one College which would ſerve three or four Colleges; and I perſwaded Mr. *Jeniſon* and all other perſons I had to do with, not to meddle with it. As to this raiſing of the Money, I conceive it may be inferr'd, it was for ſome other private buſineſs; and I believe, was for the carrying on the deſign. As for the Gentleman at the Bar, my Lord *Stafford*, I know nothing of my own particular knowledge, but only this, There was one *Thomas Smith*, Sir *Edward Smith's* Brother, that lived at a place not far off the place where I lived, who was one that contributed in paying the Money that was then Collecting: he was the man that writ a Letter up to my Lord *Stafford*, to complain of two or three Juſtices of the Peace that were active againſt Popery, upon which there was one that was turned out, that I think is now of the Honourable Houſe of Commons———

Mr. *Treby*. Name him.

Mr. *Smith*. Sir *Henry Calverley*. The other was not turned out. So I asked *Smith*, when I was lately in the Country, about it, for I heard a rumor, that there was a Letter of this Mr. *Smiths* found in my Lord *Staffords* Chamber, and I was told it by a Parliament Man, one Collonel *Tempeſt*: So ſaid I to him, now you will be concerned in the Plot. No ſaid he, I care not for that Letter, it will ſignifie nothing; for my Lord won't keep by him any thing of any moment. I asked him what he knew about my Lord; he told me he writ another Letter to my Lord to know whether he would make a conveyance of his Eſtate away, and whether he apprehended they were in danger: And he told me, his Lordships anſwer was, that ſeveral did ſo, but he would not, for he expected ſome ſudden change or alteration: I asked him what change or alteration he underſtood by it. Sir, ſaid he, what can be underſtood by it, but an alteration of the Government and Religion? I am ſure ſaid he, my Lord is ſo wiſe a Man, that he would not write ſo without ſome ground. This is all I can ſay to the Gentleman at the Bar, and this is true by the Oath I have taken.

Mr. *Treby*. My Lords, I did obſerve Mr. *Smith* in the beginning of his Teſtimony (ſpeaking of the Diſcourſe he had at *Rome*) ſaid, they told him there was one in the way; I preſume 'tis not uneaſy to conjecture who was that one.

*Lord High Stew*. It was ſurely the King.

Mr. *Treby*. But we would rather have it explained by him himſelf.

Mr. *Smith*.

Mr. *Smith.* Father *Anderton*, and Father *Southwell*, did ſay that the King was a good man, but he was not for their turn, and he was the only man that ſtood in the way.

Mr. *Treby.* Did they name the King?

Mr. *Smith.* Yes, it was the common Diſcourſe all over the Country.

Mr. *Treby.* My Lords, I deſire Mr. *Smith* in the next place may give an account of the methods they were to uſe to accomplish this deſign, the firing of the City, and the reſt.

Mr. *Smith.* As to the burning of *London* I heard nothing beyond Seas at all but this, it was diſcourſed that the Papiſts did it, and the like, but they denied it, and they ſaid it came accidentally in a Bakers Houſe; but this I have often heard them ſay that it was no great matter if it had been all burnt.

*Lord High Stew.* Will you ask him any more Queſtions yet?

Mr. *Treby.* No, we have done with him.

*Lord High Stew.* Have you concluded your Evidence, Sir?

Mr. *Smith.* Yes.

*Lord High Stew.* My Lord *Stafford*, will your Lordship ask him any Queſtions.

Lord *Stafford.* I deſire to know how long ago it was, my Lord, ſince he was made a Prieſt.

Sir *Fran. Winn.* My Lords, with your Lordships leave, no man is bound to anſwer a Queſtion whereby he ſhall accuſe himſelf; therefore under favour the Queſtion is ſomewhat harſh, and we demand your Judgment in it.

*Lord High Stew.* What is the Queſtion your Lordship would have asked him.

*L. Stafford.* I will not ask it ſince 'tis an offence, but did not he ſay he ſaid Maſs, pray how long ago was that?

*Lord High Stew.* I will ask him a Queſtion, Are not you a Proteſtant?

Mr. *Smith.* Yes, my Lord.

*Lord High Stew.* How long have you been ſo?

Mr. *Smith.* I have been a Proteſtant near upon two Years.

*Lord High Stew.* How long ago before were you perverted?

Mr. *Smith.* Some ſix or ſeven Years.

*Lord High Stew.* That is nine Years. That was I ſuppoſe about (71.)

Mr. *Smith.* I was always bred a Proteſtant, and was ſo abroad till I went towards *Rome.*

*Lord High Stew.* It is not criminal to have been a Prieſt, if he have conformed.

*L. Stafford.* I have no more to ſay to him.

*Lord High Stew.* Have you any more Queſtions to ask him?

*L. Stafford.* No, I never ſaw him before, he may be as honeſt a Gentleman for ought I know as any one here.

Mr. *Treby.*

Mr. *Treby*. Then if your Lordship have no more Questions to ask him, he may withdraw. My Lords, The next Witness we produce is to the general still, and that is Mr. *Stephen Dugdale*.

Lord *Stafford*. Is he only to speak to the general, or to me?

Mr. *Treby*. To the general, we shall tell your Lordship when we come to the particulars.

Sir *Franc. Winn*. My Lords, with your Lordships favour, we have opened our Case, first, that we would go on with the general, while we are upon that head we will only call those that speak to the general, but it may happen that one Witness may speak to both; but we shall divide his Testimony when we come to observe upon it.

Mr. *Treby*. My Lords, I take leave to acquaint your Lordships, that Mr. *Dugdale* hath but a low voice, and your Lordships will not hear him without a Command of Silence, (which was done by Proclamation, and Mr. *Dugdale* sworn.)

Mr. *Treby*. Mr. *Dugdale*, take notice, We call you now only to the general part of the Plot, what Discourses you have heard from Priests in general concerning any part of the Plot. And you are not to give your particular Evidence against this Noble Lord, my Lord *Stafford*, till we call you thereunto.

*Lord High Stew*. What say you Sir?

Mr. *Dugdale*. About fifteen or sixteen Years I have been acquainted, that there was a Design carrying on for the bringing in the Romish Religion. I have at several times, by the means of my Ghostly Father, that was Mr. *Evers*, been acquainted, that there were several Lords, and several Priests in several places in *England* that were to carry it on, that is, they were to have Mony and Arms ready for those that wanted against the death of the King. I have seen several Letters which have come from *Paris*, *Rome*, and St. *Omers*, all relating to this, to incourage Mr. *Evers*. and that he should go on to incourage the rest that were ingaged. For that purpose I read some of them, and intercepted them, because they were all directed to me. Mr. *Evers* hath sent me upon Messages, sometimes by Letters, and sometimes by word of mouth, and all tended for the introducing of their Religion, that all should be ready with Money and Arms against the Kings Death. For I did hear nothing till of late about the killing of the King. In particular, there came one Letter to *Evers*, from my Lord *Stafford*, to shew that things went on well beyond Sea, and hoped they did so here. I saw another time some Letters which were also transmitted to my hands by a Messenger that came from *Boscobel*, which did come from *Paris*, and so to St. *Omers*, from whence they came to *Harcourt*, and *Harcourt* had delivered the Letters to have the opinion of some Lords: All which contained advice which they had received from *Paris*, which they counted extraordinary good. The purport of these

these Letters were to shew there was no way could be more likely to do their Work, than if any sudden death should happen to the King then to throw it upon the Presbyterians, who had killed the old King, and were likeliest to be thought to have done this, and so they might easily get the Protestants, those of the Church of *England*, to join with the Papists against the Presbyterians, who would by that become odious, and so should weaken the party the more easily to accomplish their design. I have of late several times been in company with Priests and other Gentlemen in the Country, when they have had Consultations both for the introducing their own Religion, and taking away the Kings life, which they did always intend to be about *November*, *December*, or *January* (78.) It was late in the Year, but all that Year (78.)this was their Consultation. I have been sent to the Jesuits, some of them, particularly to Mr. *Vavasor* and Mr. *Gavan* for some Moneys, for there was a general Collection, and there was the sum of five hundred pounds at one time which I received, and gave to Mr. *Evers*, and he returned it to *London* for the carrying on this design, and for discharging an accouut of Arms and things received from beyond Sea. And it was agreed that my Lord *Aston*, Sir *James Symons* and others, should go in *October* 1678. to dispose of the Arms which they had so received, some here, and some beyond Sea, to the value I heard say of 30000. Moreover I did hear that they were to have men raised there as well as here. So I have heard from Mr. *Evers*, and Mr. *Gavan* and others, and I have been also by when it hath been discoursed that the King of *France* was acquainted with all these Designs, and that he would furnish us with men, and should not be wanting with all other aid and assistance, if there should be any alteration, if the King should die or be taken away, or to that purpose: I have been several times put upon to make Foot-Races to draw people together, that they might the better have Discourses together without suspicion. I was likewise put in trust by the Jesuits all the while the Plot was carrying on, and particularly for two years, all the Letters relating to the Plot came to my hand, some of which I opened, and some I kept in my own hands, and particularly I had one that came to my hands which was about the Death of Sir *Edmundbury Godfrey*, for when I carried it to Mr. *Evers*, he said, There was one of our Enemies taken out of the way; and it was contained in the Letter, *This night Sir* Edmondbury Godfrey *is dispatched*; which by the date of it was the 12. of *October* 1678. I told him that that would prove a discouragement to us, and would be the ruine of all the Design; he said, not so, it would rather prove otherwise, for he was one that was active in punishing lewd and debauched persons, and it would rather be put upon them than us, as done out of Revenge.

Mr. *Treby*. Pray Sir speak the particular time when that Letter came into *Staffordshire*.

Mr. *Dugdale*. The 14. of *October*, 1678. which was *Monday*.

Mr. *Treby*. The date of it pray tell us.

Mr.

Mr. *Dugdale.* The 12. of *October* 1678.

Mr. *Treby.* The very night that it was done.

Mr. *Dugdale.* Likewiſe when I did hear there was like to be an alteration in the Government, and having ſuch fair promiſes, I was incouraged to it, and was very willing to contribute to the Deſign, and I did then make over an Eſtate which I had of four hundred pound value for that purpoſe, and for the praying for my Soul. And when my Lord *Aſton* and I ſhould come to Account, as there was money over and above due to me, I did likewiſe promiſe, becauſe I ſaw money would be wanting, I would give them a hundred pound more. There were ſeveral other Gentlemen, as Mr. *Heveningham,* Sir *James Symons,* my Lord *Aſton,* Mr. *Draycott,* Mr. *Howard,* and Mr. *Gerard,* who did to my knowledge contribute towards the carrying on of this Charge, for defraying of Money and raiſing Arms, and paying for them. And I have ſeen Letters from beyond Sea, that have been to Mr. *Evers,* that all things have been ready as to the Arms, and there only wanted Orders how they ſhould be diſpoſed of, and I have been ſeveral times brought to the Oath of Secrecy for fear I ſhould diſcloſe it, and particularly that time that I went away from my Lord *Aſtons,* which was on a *Monday* morning, Mr. *Evers* gave it me about the 18. or 19. of *November,* 1678. And I did then promiſe by all the promiſes I could make, and upon the Sacrament in his Chamber, that I would not diſcloſe it; but having others to adviſe me in it, ſuch as could better do it, that told me ſuch Oaths were better broken than kept, and thereupon I came to diſcover the thing, which I have done to the beſt of my knowledge. I am very loath to charge my memory in particular, about times, or how many were in company, but thoſe that I am ſure of; but there hath been in company at the Conſultation ſeveral times, Mr. *Heveningham,* Sir *James Symons,* Mr. *Vavaſor,* Mr. *Petre,* Mr. *Howard,* and my Lord *Aſton* himſelf; when there hath been ſpeech about the Deſign, for the introducing of Religion, and for taking order about money to buy Arms, and particularly when my Lord *Stafford* was by about the Death of the King, and that was about *September* 1678.

Mr. *Treby,* Mr. *Dugdale,* you ſpeak of leavying Arms, and of the Oath of Secrecy that was given you, were there not other Spiritual Weapons uſed? Was there not an Indulgence, or ſuch a thing?

Mr. *Dugdale.* There was an Indulgence about 78. or thereabouts, which came through *Irelands* hands, tranſmitted from beyond Sea, and ſo to Mr *Evers,* and Mr. *Gavan* was put on to publiſh it, which he did one time at *Boſcobel.* And it was likewiſe at all private Chappels, that whoſoever, was active for the introducing the Romiſh Religion, or killing the King, ſhould have a free Pardon of all his ſins.

Mr. *Foley.* Pray declare what Arguments have been uſed by your Prieſts, to induce you to this Deſign?

*Lord High Steward.* Raiſe your voice, that we may hear what you ask.

Mr.

Mr. *Foley*. We would know what Arguments have been uſed to perſwade to this deſign?

Mr. *Dugdale*. They have told me in their Meetings, the King was an Excommunicated Heretick, and he was out of the Pale of the Church, therefore it was lawful to kill him, and it was no more than the killing of a dog.

Sir *John Trevor*. My Lords, I deſire to ask him one Queſtion further, what he hath heard about a Maſſacre that was intended?

*L. H. Stew*. Have you heard of any Maſſacre that was to be?

Mr. *Dugdale*, I have heard that about the time the King ſhould be killed, ſeveral ſhould be provided with Arms, and ſuch Inſtruments, and riſe all of a ſudden at an hours warning, and to come in upon the Proteſtants, and cut their Throats; that was one propoſal: and if any did eſcape, there ſhould be an Army to cut them off in their flight,

Mr. *Treby*. My Lords, I deſire to ask him one Queſtion further, whether he ever knew or heard of Mr. *Oates* and *Bedloe* till the Plot was detected?

Mr. *Dugdale*. I have heard of them from Prieſts, as meſſengers intruſted by them, but no otherwiſe.

*L. H. Steward*. When did you hear that?

Mr. *Dugdale*. I have formerly declared it.

Mr. *Treby*. Ay, when?

*L. H. Steward*. Before the diſcovery or after?

Mr. *Dugdale*. Before the diſcovery.

Mr. *Treby*. My Lords, the reaſon of the Queſtion, and the uſe we make of it is this, We charge the Papiſts with the Conſpiracy of a Plot, and they charge our Witneſſes with a Conſpiracy to accuſe: Now it appears, that Mr. *Dugdale* had not any knowledge of the other Witneſſes, and only had heard of them as perſons concern'd; ſo it could not poſſibly be a joint contrivance amongſt them.

Sir *John Trevor*. My Lords, I deſire to ask this Queſtion, Whether Mr. *Dugdale* hath ſeen any Letters from *Whitebread* to *Evers*, and what inſtructions were in thoſe Letters to *Evers*, about the perſons to be concerned, and what kind of Creatures he was to imploy in this great Deſign of theirs?

Mr. *Dugdale*. I ſaw a Letter from *Whitebread*, to give Mr *Evers* a caution who he did employ or truſt in the Deſign; for he told him there had been good care taken therein hitherto; and it were no matter whether they were Gentlemen of Quality or not, ſo they were ſtout and truſty, or to that purpoſe.

*L. H. Steward*. What ſhould they be truſty for?

Mr. *Dugdale*. For the killing the King.

*L. H. Steward*. Was that ſaid plainly in the Letter?

Mr. *Dugdale*. To the beſt of my remembrance in thoſe very words.

*L. H. Steward*. Was there no Cypher or Character?

Mr. *Dugdale*. There was no Cypher or Character that I know of, nothing but two letters for his Name.

Mr. *Treby*. My Lords, I desire Mr. *Dugdale* may give an account of those Papers he speaks of; What became of them, and tell us the reason why they were not produced.

Mr *Dugdale*. My Lords, when I was by the instruction of Mr. *Evers*, to take my flight, I conveyed all my Papers, that either belonged to him or my self, for the carrying on of the Plot, and carryed them to an House not far remote from my Lord *Aston's*, and by the help of two Maids———

Mr. *Treby*. Name them.

Mr. *Dugdale*. *Elizabeth Eld*, and *Anne Eld*. And they two did prepare a Fire in their Chamber for that purpose, and they assisted me to burn them. I was in a great consternation, and great fear, in regard I must fly and abscond my self; and indeed I did it with Tears in my Eyes. And whilst we were burning of the Papers, one of them spy'd a little Paper-book, by chance, and she asked me, whether that should be burnt; I told her, no; burn not that, for there is no Treason in it. With that one of them ask'd me, is there any Treason in the rest? and I put them off, to the best of my knowledge, and would not give them a direct answer.

Sir *John Trevor*. Why did you consent to burn them?

Mr. *Dugdale*. Because I knew they would discover me, and others that were concerned in the Plot.

Sir *Fr. Winn*. Your Lordships will be pleased to observe the burning of the Letters was before he discovered the Plot, or any thing.

Mr. *Sacheverell*. My Lords, We desire he may be asked one Question, he told your Lordships of the Letter that came into *Staffordshire* about the Death of Sir *Edmonbury Godfrey*, but he hath not told you of the reason why he was to be taken away. We desire he will let your Lordships know what reasons they gave for it?

Mr. *Dugdale*. My Lords, I was desirous to know how things went, being concerned as well as Mr. *Evers*; and I asked what the reason was they took away his life? Mr. *Evers* told me, that there was a Message sent to Mr. *Coleman*, to desire him that he would not reveal what he knew concerning the Plot, or any thing of that nature.

Mr. *Sacheverell*. From whom was that Message sent?

Mr. *Dugdale*. From the Duke of *York*. And *Coleman* did send word back again, What was it the nearer? for he had been so foolish as to reveal all to Sir *Edmondbury Godfrey*, who had promised to keep it all as a secret. But upon the Examination of *Oates*, before Sir *Edmondbury Godfrey*, as a Justice of Peace, he was afraid he would come in an Evidence against him; and had shewn himself a little too eager, which made *Coleman* afraid he would witness against him. And the Duke of *York* did send word back again, That if he would take care not to reveal but conceal it, he should not come in against him, or to that purpose: And the next news we heard was the Letter that he was dispatched.

Mr. *Foley*.

Mr. *Foley.* I desire he may give an account what assistance the Pope gave for the carrying on of this Design.

Mr. *Dugdale.* I heard the Pope had out of his Revenue promised several sums of money for the carrying on this Plot; and particularly that he would assist the poor distressed *Irish*, with both Men and Money; and there should not be any thing wanting on his part.

*Lord High Stew.* Have you done with him, Gentlemen?

Mr. *Treby.* Yes, I think we have done with him as to the general.

Lord *Stafford.* I desire to ask him then what sums of money did the Pope contribute to it.

*L. H. Steward.* What sums of money did the Pope contribute to this Design?

Mr. *Dugdale.* I have heard of several sums in general that he was to contribute for the carrying on of the Plot.

*L. H. Steward.* Did you hear of any sum certain?

Mr. *Dugdale.* I do not know, but I think I have heard sometimes of ten thousand Pound, or some such sum. I have been told by a Servant, that formerly belonged to my Lord *Stafford*, That the Popes daily income was twenty four thousand Pounds a day; and that if he would do as he had promised, he was able to do very much.

*L. H. Steward.* They told you so, you do not know it otherwise.

Mr. *Treby.* We have done then with him: We call Mr. *Prance* next.

(*Who was sworn.*)

Mr. *Treby.* My Lords, I desire Mr *Prance* would give us an account of what discourse he had with one Mr. *Singleton* a Priest; and when?

Mr. *Prance.* I went to one Mr. *Singleton*, a Priest, at one *Hall*'s in the year (78.) and he told me, That he did not fear but in a little time to be a Priest in a Parish Church; and that he would make no more to stab Forty Parliament Men, than to eat his Dinner which he was at, at that very time.

*L. H. Steward.* Where was that?

Mr. *Prance.* At one *Hall*'s, a Cook in *Ivy-lane.*

*L. H. Steward.* Will you ask him any Questions, my Lord?

Lord *Stafford.* No, my Lord?

Mr. *Treby.* Then call Dr. *Oates.*

(*Who was sworn.*)

*L. H. Stew.* Do you examine Mr. *Oates* upon the general Plot, or the particular.

Mr. *Treby.* Only to the General now; and we desire him to take notice he is so to speak, and to confine himself to that at present.

Dr. *Oates.* My Lords, in the year (76) I was admitted into the service of the Duke of *Norfolk*, as Chaplain in his House, and there I came acquainted with one *Bing*, that was a Priest in the House. And being acquainted with him, there came one *Kemish* very often to visit him, and one *Singleton*, who told me that I

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should find that the Protestant Religion was upon its last legs, and that it would become me, and all men of my Coat (for then I professed my self a Minister of the Church of *England*) to hasten betimes home to the Church of *Rome*. *My Lords*, having had strong suspicions for some years before, of the great and apparent growth of Popery; to satisfie my curiosity, I pretended some doubts in my mind. *My Lords*, after some time had passed over, & I had some conversation with these men, I found they were not men for my turn, because being regular men, they were not men that had any great degree of Learning. Afterwards, my Lords, I met with one *Hutchinson*; I found him a Saint-like man, or one that was Religious for Religion sake; and him I found not for my turn neither: For, my Lords, my design was to deal with their Casuists; that is, those of the Society. After that I had obtained the favour from him, to have some Conference with one of the Society, I found they were the men for my turn, because I found they were the cunning politick men, and the men that could satisfie me. After that I had some Discourse with them, I pretended to be convinced by their Arguments. And, my Lords, after that I had thus acknowledged my Conviction, I desired to be reconciled; and accordingly on *Ash-wednesday*, 1676. I was reconciled. And soon after my Reconciliation, *Strange*, who was then Provincial of the Society, did tell me much after this way; Mr. *Oats*, you are now reconciled to the Church of *Rome*, and you must lay down your Ministry, for your Ordination is invalid, and you must look upon your self as no more than a Layman. Pray, says he, now what course do you think to take? I told him, I did desire to be one of their Society, and to be admitted a Novice into their Order. He said, it was a very honest request, and a very honest desire; and he said, he would take some time to consider of it, and he would take till the *Saturday* following. *Saturday* following I was sent for, by one *Fenwick*: I lodged then in *Barbican*, and *Fenwick* came to me, and told me, the Fathers were met at *Wild*-House, and would speak with me. And he also told me, they had granted my request, and I should be admitted. After I was admitted, they told me, I had some years upon me, and I could not undergo those burdens they put upon younger men. But what did I think of travelling, and going beyond Sea to do their business? I did agree to it, and in *April* (77.) I went aboard one *Luke Roch*, Master of the *Bilboa* Merchant, bound for *Bilboa*, having their Letters of Recommendation. After I arrived there, which was on a *Sunday*, in *May* or *June*, (I can't tell which) I went the *Friday* following for *Validolid* in *Castile*, and I got thither the *Tuesday* following; but by the way I opened certain Letters, wherein was made mention of a disturbance designed in *Scotland*. And the Letters did express what hopes they had to effect their Design in *England*, for the carrying on (as they worded it) the Catholick Cause, and for the advancement of the interest of the Bishop of *Rome*. My Lords, after I had arrived at *Validolid*, there were Letters there got before me, which were dated in *May*, wherein was expressed news, That the King was dispatched,

dispatched, which was the cause of great joy to the Fathers there; and afterwards Letters dated in *May* too (but towards the latter end of *May*) came, That they were mistaken, and desired the Fathers there, to stifle that news. My Lords, there came Letters dated in *June*, wherein they did give an account, That they had procured one *Beddingfield* to be Confessor to the Duke of *York*; which *Beddingfield* by his interest might prevail much with the Duke, in order to this Design. Letters came also in *June* from St. *Omers*, which gave them an account, That Father *Beddingfield* had assured them of the Dukes willingness to comply with them, for the advancement of the Catholick Religion, My Lords, after I had stay'd some time there, and had passed through the Country for the business of the Society; I found that in the Court of *Spain* some Ministers of that Court had been very ready to advance Money, which Money was returned for *England*; and that the Father Provincial of the Jesuits of *Castile*, by his care and industry had advanced Ten Thousand Pound, which was promised to be paid in *June* following, within a Twelvemonth after. My Lords, in *July* I received Letters out of *England*, wherein an account was given there, to the Fathers in *Spain*, That they were sending them a Mission of Twelve Students, Four whereof were to go to *Madrid*, and Eight to *Validolid*: the Conductors of these Twelve Students were, one Father *Crosse* (that was his true Name) and one Father *Mumford*, whose true Name was *Armstrong*. These Missioners arrived in *December*, where they had a Sermon preached at their coming, by this same *Armstrong*, wherein the Oaths of Allegiance and Supremacy were declared to be Antichristian, Heretical, and Devillish; in which the Kings Legitimacy was vilified and abused; and that his Religion did intitle him to nothing but sudden death and destruction, in that he appeared an enemy both to God and Man. These were the Contents of that Sermon, as near as I remember. My Lords, after the meeting with several Letters there, in *July*, *August*, and *September*, in the Kingdom of *Spain*, it was ordered, I should return for *England*; and in the month of *November* I came for *England*, at which time I had Letters from the Provincial of *Castile*, called by the Name of *Padre Hieronymo de Corduba*, who did in his Letter assure the Provincial in *England*, and the Fathers here, That the ten thousand Pound should be paid (as I said before) in *June* following. When I came for *England*, at *London* I was lodged at one *Grigson's*, that lived in *Drury-lane*, near the Sign of the *Red-Lyon*, and there I lay till I went to St. *Omers*; and by the Provincial and the Consultors of the Province, I was ordered a maintenance, and it was paid to this man for entertaining of me. I went and brought these Letters to this *Strange*, and there was Father *Keins*, lying ill upon *Strange's* Bed, and *Keins* was saying, he was mighty sorry for *honest William*, (so they called the Ruffian that was to kill the King) that he had missed in his Enterprize: But, my Lords, this I think good to tell your Lordships, they were not so zealous for the destruction of the King, till the King had refused *Coleman* the dissolving of the long Parliament.

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Then they were more intent upon it, though they had several times attempted it ever since the Fire of *London*: but when *Coleman* was refused the Dissolution of the Long Parliament, then were they more zealous for the Destruction of the King; but the Design for the introducing the Popish Religion, they have been carrying on some years before the Fire, by those instruments some of whom are yet alive. *My Lords*, I left *England* in *November* old stile, and *December* new stile; for when I came to St. *Omers* it was (as near as I can remember) the 9. or 10. of *December* according to the stile of the place. I carryed with me a Packet of Letters from *Strange* the Provincial, and other Fathers that were of the Consult for the Province of *England* to the Fathers at St. *Omers*, wherein *Strange* did tell them, that they had great hopes of their Design taking effect the next year, but as yet it would not be effected; he said, therefore they at *London* thought it fit to suspend it till they saw what the Parliament would do. And he did in the same Letter declare, That the Parliament would be about a long Bill that had been brought into the Commons House some Sessions before, but he did not Question but that the Catholick Party would evade that Bill. And *My Lords*, in that year some time after, we had a Letter from our New Provincial, whose true Name was *Whitebread*, and his counterfeit Name *White*. This Father writes to the Fathers at St. *Omers*, and therein he does order one *Conyers* to preach upon St. *Thomas* of *Canterburies* Day, and he did therein also tell them, that he would be as zealous for the carrying on of the Design as his Predecessor had been, and a Sermon was accordingly preached at the Sodality Church, wherein after he had commended the Saint whose Day they celebrated for his great Vertues, declaring how unworthily he was sacrificed, he did inveigh against the Tyranny (as he called it) of temporal Princes, and particularly of the King of *England*, and when he came to speak of the Oaths of Allegiance and Supremacy, he declared, that he looked upon them as Antichristian and Devillish, and that it was fit to destroy all such as would countenance them. We have done with the year (77.) and we come now to *January* 1678.

*Lord High Stew.* You speak of one *Keins*, who (lying upon *Stranges* Bed) said he was sorry *honest Will* had missed his Enterprize t You have not explained who that *honest Will* was: explain that.

Dr. *Oats.* It was *Grove.*

*Lord High Steward.* But about what did he say he was sorry for him?

Dr. *Oats.* That he had missed his Design.

Mr. *Foley.* What was that missing of his Design?

Dr. *Oats.* That he had not killed the King. *My Lords*, in *January* (78.)

*Lord High Steward.* You mean according to the Foreign stile?

Dr. *Oats.* Yes, according to the Foreign stile. *My Lords*, we received Letters out of *Ireland*, and there, my Lords, we found by the Contents of those Letters, that they were as busie in *Ireland* as we were in *England*. We found there that the

*Talbots*

*Talbots* and other persons were very zealous in raising of Forces, and were resolved to let in the French King, provided that the Parliament should urge the King to break with *France*. My Lords, likewise in *January* (as near as I can remember) *Morgan* was sent into *Ireland*, as a Visitor (which is something a better place than a Provincial, but only it is but temporary for the time he visits) and he returns in *February* or *March*, and gives an account how ready the Irish were to vindicate their freedom, and their Religion from the oppression of the English as they called it. My Lords, in *February* some were employed to go into some parts of *Germany*, to *Liege*, and to some parts of *Flanders*, to see how the affairs there stood, and how their Correspondencies stood, to see whether there was not an interruption in the Correspondencies. My Lords, upon their return they found, that the Fathers at *Ghent* were inclined to take into this business the secular Clergy, but the Fathers of St. *Omers*, together with the Provincial, did refuse the motion, because the secular Clergy were more cowardly, and sought themselves and not the Interest of the Church, or to that purpose. My Lords, in *March* we received Letters, that there was a very shrewd attempt made upon the person of the King, and that the Flint of *Pickering*'s Gun or Pistol was loose, and his hand shaking, the King did then escape, for which he received a Discipline, and the other a severe chiding.

*Lord High Steward.* You explain not the meaning of what you say; that was not *honest William*, for he you say was *Grove*.

Dr. *Oats*. I mean *Pickering* received the Discipline, and *William* was chid; for it was *Pickering*'s Flint that was loose. My Lords, this was in *March*, and at the latter end of *March*, there comes a Letter from *London*, in which there was a Summons to a Consult here in *London*, and being summoned, there went over eight or nine from St, *Omers*, *Liege*, and *Ghent*, to this Consult, and I did attend then in their journey.

*Lord High Steward.* When did that Summons come?

Dr. *Oats*. The latter end of *March*, or the beginning of *April*, as I remember; they had notice of it in *England* before, but we had notice of it just when we were to come. I think it was in *April*, as near as I can remember, I cannot be certain in that, my Lord. We did come to Town in *April*, there the Consult was held, it begun at the *White Horse* Tavern, where they did consult about some things of the Society, and afterwards they did adjourn into particular Societies, where they did debate and resolve on the Death of the King, and that *Grove* should have fifteen hundred pounds for his pains, and the other being a Religious man should have thirty thousand Masses said for him. My Lords, after staying in Town a while we returned to St. *Omers*, and after I had staid there some few days the new Provincial did begin to visit his Province, and comes over to St. *Omers*, where after staying some six days he goes over away from thence to *Watton*. But whilst he staid at St. *Omers*, I was ordered to go into *England* to attend the Affairs here

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and for to do some other Services that they should imploy me about. My Lords, accordingly I did come over, and it was on the 23. new stile, as near as I remember, I got to *Calice*, the 24. I got to *Dover*, on the 25. I got to *Sittenburn*, but between *Dover* and *Sittenburn* we had some Boxes seized; for at *Dover* we met with *Fenwick*, who is since executed, who went by the name of *Thompson*, and carried a Box with him, and a little on this side *Canterbury* it was seized by the Custom-House Officers, and several little Trinkets in it which were seized as French Goods, and he did desire the Searcher to stand his friend, and he would give him something for his pains, and told him where he should write to him in *London*. There was a Superscription on the Box to one *Blundel*, but he should write to him by the name of *Thompson*, at the *Fountain* Tavern neer *Charing-Cross*. We arrived in Town the 17. of *June*, which is the 27. new stile; it was upon a *Monday*, and there were Letters which did follow us, wherein were proposals to be made to Sir *George Wakeman* for the Poisoning of the King, and that the Ten Thousand Pounds which the *Spaniards* had promised in *January* before, and was accordingly paid in *London* at the time, should be proposed to *Wakeman*, to poison the King; I found that *Coleman* did look upon it as too little, and he thought Fifteen Thousand Pound should be given to him. I found that *Langhorn* thought it too much, and that he ought to do so great a piece of Service for nothing, and told us he was a narrow-spirited man if he would not ingage in such a thing. My Lords, there was Five Thousand Pounds, as the Books told me, paid, but I did not then see it paid, because I was then ill and not fit to stir abroad. My Lords, we are now past *June* (78.) In *July* Father *Ashby* comes to Town, who did revive the Proposal to Sir *George Wakeman*, but being sick of the Gout, he hastened down to the *Bath*, and when he came there, as soon as he began to be well, he was advised by the Fathers to see how the Catholicks stood affected in *Sommersetshire*; for they had had an Account in *March* (78.) by Letters from *Berkshire*, *Oxfordshire* and *Essex*, that the Catholicks stood well affected, and Sir *William Andrews* did secure that the people of *Essex* should stand to their points; and so several men did secure that they would have them in readiness. My Lords, In *August* (I cannot remember every particular, but refer my self to the Records of the House) about the 26. of *August*, I find that *Fenwick* went to St. *Omers*, and there he was to attend the Provincial home, and to give the Provincial an Account of the Proposal accepted by Sir *George Wakeman*, but in *July* (if your Lordships please to give me leave to go back again) *Strange* comes to Town, and falling in discourse about the Fire of *London*, and the Rebuilding of it, he very frankly told me how it was fired, and how many of those concerned were seized, and among the rest told me that the Duke of *York's* Guard, as by his order, did receive them, and afterwards willing to discharge them, which I forgot to mention before, but upon review of my Papers, I do find, that it was told me his Guard did release the Prisoners that were taken as suspected about the Fire,

Fire, and that all the Order they had for it they pretended was from the Duke. But now, my Lords, We return to *August* again. Upon the 3. of *August*, I find, *Ireland* did pretend to go to St. *Omers*, and a Letter came from him as directed from thence; but we find by his Tryal and other things since, that he went into *Staffordshire*; and about the 12. of *August* (as I remember) he was here in Town. The latter part of *July* I communicated with Dr. *Tongue*, and gave him some particular account of Affairs, I desired him to communicate it to some that might make it known to the King; the King had notice the 13. of *August*, or the 14. as I remember, and by the 3. of *September* I was betray'd, and was exposed to the vengeance of these men whose Contrivances I had thus discovered. So my Intelligence did cease wholly the 8. of *September*; Then was I forced to keep private, and upon my Examination, what Information I gave before the Lords and Commons, I refer my self to them.

*Lord High Steward.* My Lord *Stafford*, will you ask him any Questions?

Lord *Stafford.* No, my Lord, I am not at all concerned in his Evidence.

*Lord High Steward.* You say you were betray'd, can you tell how or which way you were betray'd?

Dr. *Oats.* My Lord, I will give this Honourable House what light I can in it, but I desire then to be excused from my Oath, for I can't speak it of my own knowledge.

Sir *John Trevor.* Then the next Witness we desire may be called, is Mr. *Bernard Dennis.*

Mr. Serj. *Maynard.* This Witness we call now is to confirm what Dr. *Oats* hath said, that he was at *Validolid*, and other places in *Spain*: he will be short.

*Lord High Steward.* Call you *Oats* again?

Sir *Franc. Winn*, No, my Lord, We call *Dennis* to confirm what Dr. *Oats* hath said. He hath given your Lordship an account that he was in *Spain*, we now produce one that saw him when he was there, and so confirms the Evidence given by him. (Then Mr. *Dennis* was sworn.)

Mr. *Treby.* Mr. *Dennis*, Do you give their Lordships an Account of your Discoursing with Dr. *Oats* in *Spain*, or any where else abroad, and where.

*L. H. Steward.* Stay a little, Do you know Mr. *Oats*?

Mr. *Dennis.* Yes, my Lord.

*L. H. Steward.* How long have you known him?

Mr. *Dennis.* I knew him in the year (77.)

*L. H. Steward.* Where?

Mr. *Dennis.* At *Validolid.*

*L. H. Steward.* Did you see him there, was he a Student there?

Mr. *Dennis.* Yes, my Lord.

*Lord High Stew.* Was he known by the name of *Oats*?

Mr. *Dennis.* Yes, my Lord, he was.

Sir *Franc. Winn.* My Lord, We desire he may tell his knowledge of Mr. *Oats*, what conversation he had with him in *Spain*.

Mr. *Dennis*. My Lords, I was in *Spain* in the City of *Victoria*, and leaving the City of *Victoria* in the month of *June*, I took my course to *Madrid*, and passing through the City of *Validolid*, going into the Convent of the Dominicans, there came an Irishman, a Priest of *Ireland*, out of the City to see me, and there he told me, there was a Student of the Jesuits, by name Mr. *Oats*, an Englishman, and I understanding this, went into the Colledge of the Jesuits to see Mr. *Oats*, and there had conversation with Mr. *Oats*, and in the conversation I had with him there he told me that he was a Vicar in *Kent*, and that he was Chaplain to a great Nobleman in *England*, by name *Howard*, and that he went out of *England* by the consent of the Jesuits in *England*, being converted by them to the Roman Catholick Faith, and that his going into *Spain* was to fit himself for the Society of the Jesuits, and understanding my resolution was to go to *Madrid*, he did desire me to carry a Letter to the Archbishop of *Tune*, one *James Lench* an Irishman, who lived at *Madrid*; and further, he lent me four pieces of Eight to defray my Journey to *Madrid*, and desired me to pay the money to the Procurator of the Jesuits at *Madrid*, and in carrying this Letter to the Archbishop, when I came there I got a Dominican Fryer of *Ireland*, by name *Humphry Delphin*, to go with me and see the Archbishop at his lodging, and going in, I delivered him the Letter in the presence of the Dominican, and he perused it in my presence, and in the presence of a Priest that waited upon him, and finishing the Contents of the Letter, as I suppose, with a smiling Countenance he turned about, and said, Sirs, the Contents of this Letter is, that Mr. *Oats* is desirous to receive the Order of Priesthood from me, or at my hands, and if it be so, it will be much in our way, and this man will be a fit man for our purpose; for said he further, Dr, *Oliver Plunket*, Primate of *Ireland*, is resolved this year, or with the next Convenience, to bring in a French Power into *Ireland*, and thereby to support the Roman Catholicks in *England* and *Ireland*, and if it please God, I my self, without any delay, will go into *Ireland* to assist that pious Work. All this Discourse between us and the Archbishop, and between *Oats* and me, was in *July* (77.) And there I did speak and converse with Mr. *Oats*. All this I can testifie for truth on the behalf of Mr. *Oats*, who was then a Student in the Colledge of *Validolid*, and had no other name nor title.

Mr. *Foley*. I desire himself may tell your Lordships what Religion he is of.

*Lord High Steward*. What Religion are you of?

Mr. *Dennis*. I am a Dominican Fryer, my Lord.

*Lord High Steward*. Are you?

Mr. *Dennis*. My Lords I am.

*Lord High Steward*. At this time?

Mr. *Dennis*. Yes, my Lords.

Mr. Ser-

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Mr. Serj. *Maynard.* He hath a Pardon, my Lords.

Mr. *Treby.* This hath been controverted, my Lords, whether Mr. *Oats* ever was in *Spain*, we desire to make it out plain to the world, for the Confirmation of his Evidence. Therefore we ask him again, Do you know the person of Mr. *Oats?*

Mr. *Dennis.* Yes, I do.

Mr. *Treby.* Is this person that gave Evidence last before you, the same person you saw at *Validolid?*

Mr. *Dennis.* Yes, it is.

Mr. *Sacheverel.* My Lords, we desire to ask of him, why he had the four pieces of Eight of Mr. *Oats.*

*Lord High Steward.* Why had you that money of *Oats?*

Mr. *Dennis.* For to defray my Journey to *Madrid.*

*Lord High Stew.* Was that all you had?

Mr. *Dennis.* Yes, my Lords,

Mr. *Sacheverel.* We pray he may be asked how he came to be so needy.

Mr. *Dennis.* My Lords, I was not altogether needy, but it is very certain, Religious persons, especially of my Order, cannot carry any money about them but what is requisite for their Journey, and that which may be removed from place to place.

Sir *John Trevor.* I desire to ask him, did he see any more money that Dr. *Oats* had.

Mr. *Dennis.* I did see Dr. *Oats* in his Chamber in the Colledge at *Validolid*, when he delivered me the four pieces of Eight, to draw out a Drawer of a Table in his Chamber, and out of the Drawer he pulled a Bag of money, which was a very considerable Sum of money, and I am certain he did not want money there then.

Mr. *Treby.* My Lords, I think we have done with him, if my Lord please to ask him any Question he may.

Lord *Stafford.* But only one Question, for I never saw the man in my life. I desire he may be asked, whether he be still of the Romish Religion.

Sir *John Trevor.* My Lords, We have not yet done with him, the Question we would ask him, is this, whether he hath heard of any money that was gathered in *Ireland* for the support of this Plot?

*Lord High Stew.* The Question asked of you, have you heard of any money gathered in *Ireland* for the support of this Plot?

Mr. *Dennis.* I have both heard and seen of it.

*Lord High Steward.* When and where?

Mr. *Dennis.* My Lords, in the year (68.) I entred into the Order of the Dominicans in *Ireland*, and in the same year there arrived at *Dublin* a Franciscan Fryer, Brother to the late Earl of *Carlingford*, and arriving there he made se-

veral Collectors for the levying a competent sum of money out of every Convent and Religious House. *My Lords*, the Collectors were by name *John Reynolds* alias *Landy*, and *John Berne*, and arriving at the County of *Sligoe* in the month of *May*.

*Lord High Stew.* What year?

Mr. *Dennis.* (68.) And when the Collectors came to the Convent of our Fryers in *Sligoe*, all the Fryers gathered together into a room, and these Collectors coming in did read their Commission given them from one *James Taaffe*, as they said, and I was there personally present, though a Novice, and upon reading their Commissions, they said Forty Shillings was to be paid by the Prior, and the Fryers of that Convent, and the Provincial of the Order of the Dominicans questioned the Power of the said *Reynolds* and *Berne*, and so did the Prior; and I asked why the money was levyed? they gave answer, That that levy and several other levyes was to encourage the French King, in whose Kingdom were several Bishops of *Ireland*, Clergymen, and others, whose business it was to provoke the King to bring an Army to invade *Ireland*, when ever time should serve.

*Lord High Stew.* Have you done with him now?

Mr. *Treby.* Yes.

*Lord High Stew.* Will your Lordship ask him any Questions?

Lord *Stafford.* My Question is only whether he profess himself of the Church of *Rome*, or a Protestant?

Mr. *Dennis.* I am a Roman Catholick still, my Lord.

*L. High Steward.* Are you?

Mr. *Dennis.* I am, my Lords.

Lord *Stafford.* Then I have no more to say.

Sir *John Trevor.* Then we call Mr. *Jenison.*

(*Who was sworn.*)

Mr. *Treby.* Mr. *Jenison*, you have been among the Papists, and you have had great confidence among them; pray declare what you know of their Designs for the Destruction of the Protestant Religion, or the means of doing it, whether by the Murder of the King, or what other means, tell your whole knowledge.

Mr. *Jenison.* My Lords, In the beginning of the year (78.) I have heard Mr. *Ireland*, and Mr, *Thomas Jenison*, both Jesuits, speak of a Design they had to gain a toleration of Conscience for their Party in *England*; and the way then designed to get it was, by procuring a great Sum of Money from their Party, and by bribing the then Parliament. I have heard them likewise discourse of securing the Duke of *York*'s Succession, and that (they told me) was to be done, by procuring of Commissions to be granted out to those of their Party to be ready to rise upon the Death of the King. I likewise have heard them discourse of the necessity and usefulness to their Party of the Alteration of the Government established, and that their Religion could never flourish till that was done, and this Kingdom altered according

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according to the French Model. In the month of *June* (78) I was at Mr. *Ireland*'s Chamber, and there happening a discourse, that the Roman Catholick Religion was like to come into *England*, Mr. *Ireland* did then say, there was but one that stood in the way, and that it was an easie thing to Poyson the King, and that Sir *George Wakeman* might easily and opportunely do it. I asked Mr. *Ireland*, whether Sir *George Wakeman* was the Kings Physician? His answer was, No, but he was the Queens, and so might have an opportunity to do it. In the month of *August* the same year, the day that I came from *Windsor*, I went to Mr. *Ireland*'s Chamber, and I found he was newly come from *Staffordshire*, and was drawing off his Boots on the frame of a Table: he asked me, whence I was come? I told him, from *Windsor*: He inquired of me about the Diversions of the Court, I told him, I understood His Majesty did take delight in Hawking and Fishing, but chiefly in Fishing; and that he went accompanied only with two or three, early in the morning. Then Mr. *Ireland* replyed, He were easily taken off, or removed: to which I answered, God forbid, being surprized at that time; O said he, I say not that it is lawful. Then there happened some interruption to our Discourse about *Staffordshire*; then we fell into a Discourse of their Religion that he said was suddenly to come into *England*, and he asked me, if I would be one of those that would go to *Windsor* to assist to take off the King: I told him no; then he told me, he would remit the 20 *l.* I owed him, if I would go to *Windsor* to be one of those that were to take off the King. My Lords, I told him, I would have no hand in any such matter, and that I would not for twenty times 20 *l.* have any hand in the Death of the King; said he, Would you do nothing for the bringing in of our Religion? I told him, I thought it would never come in by blood: I told him further, God forgive me, if the King were taken off, so, well and good, but I would have nothing to do with it. He left not the Discourse there, but asked me, if I knew any *Irishmen* that were stout and couragious: I told him, yes, I did, and named Captain *Levallian*, Mr. *Karney*, Mr. *Broghall* and Mr. *Wilson*, all Gentlemen of my acquaintance about *Grays-Inn*. When I named these he asked me if I would go along with them to *Windsor*, to assist them in taking off the King, I told him I did not think any man of Estate would ingage in such a matter, that I was Heir to an Estate, my Brother being a Priest, and that Captain *Levallian* was Heir to a very good Estate, and therefore I did believe he would not do such a thing, unless the Pique which he had to the King or Religion might move him to it. My Lords, he approved of these persons, and said, he knew the first two of them, *Levallian* and *Karney*; and he set down, as I remember, the other two Names in writing. He told me he was going to the Club, to Mr. *Coleman*, and Mr. *Levallian*, and Mr. *Karney* at that time, and then asked me for the Money, the Twenty pounds that I owed him. He told me he wanted Fourscore Pounds, and he desired me that I would return it as soon as I came into the Countrey. Now my Lords,

the same day that I received this Twenty pound of *Ireland*, I went with Mr. *Thomas Jenison* the Jesuit, to *Harcourts* Chamber to give the Fathers thanks for the Loan of the Money, and there Mr. *Jenison* falling into Discourse on that common Topick of their Religion coming into *England*, he did then use that Expression which Dr. *Oats* hath in his Narrative. *If* C. R. *would not be* R. C. *he should not be long* C. R. And he did interpret it thus in Latine. *Si Carolus Rex non esset Rex Catholicus non foret diu Carolus Rex.* And he did add, my Lords, upon the Discourse, that if the King were Excommunicated or Deposed he was not longer King, and it was no sin, or no great sin to take him off, and if it were discovered who did it, two or three might perhaps suffer, but denying the Fact the matter soon would be blown over. My Lords, about two Months after the Mustering the Forces upon *Hounslowe-Heath*, Mr. *Thomas Jenison* did tell me he had a matter of great Consequence to impart to me, that there was a Design on foot so laid as that it could not well be discovered, and that the greatest Papists, the greatest Catholicks in *England* were in the Design, That the Queen and the Duke were in it, and that several Lords, by name my Lord *Bellasis*, my Lord *Powis*, my Lord *Arundel* of *Wardour* and others, I believe my Lord *Stafford* was named, but I cannot be positive in that. At that time my Lords, I did wish I had had a Commission in the new raised Levies that were Mustered on *Hounslowe-Heath*, he told me he would procure me a Commission from the Duke of *York*, and that there was a new Army to be raised to bring in the Catholick Religion, but he did say he would tell me more particulars after my receiving the Sacrament of Secresie, and I did understand by him that that Commission was not to be sent till the taking off the King was effected; but being I was surprised at it, he would not tell me the whole matter, but he desired me to come and receive the Sacrament at Sir *Philip Tyrwhytts* in *Blomesbury*, and then he would acquaint me with the whole Affair. My Lords, being in *Berkshire* about the Month of *December* (78) at Madam *Halls* in *Shinefield* Parish, one Mr. *Cuffil* a Jesuit came into our Company. It was about the Tryal of *Coleman*, and Mr. *Cuffil* did then say, That he thought Mr. *Coleman* was infatuated upon the Discovery of the Plot, to give notice to Mr. *Harcourt*, Mr. *Ireland*, and Mr. *Fenwick*, and the other Jesuits to burn or secure their Papers, and yet not to secure his own. My Sister *Hall* was present at this Discourse, and Mr. *Cuffil* did then further say, that *Bellarmine* did draw a Sentence out of the Scripture, to favour the Popes Authority of Excommunicating, Depriving, and Deposing Temporal Princes, and the saying was this, *Quòd Papa habeat eandem Potestatem super Reges, quam Jehoiada habuit super Athaliam.* And that there were other corroborating Testimonies among the Fathers for it.

Mr. *Treby*. My Lords, we desire to ask him whether ever he heard of Mr. *Oats* being in the Plot, or being thought Trust-worthy among them.

Mr. *Jenison*. Yes, my Lords, I did.

*L. H. Stew*. When did you hear it, and of whom.

Mr.

Mr. *Jeniſon.* Of my Brother *Thomas Jeniſon* the Jeſuit.

*L. H. Stew.* When did he tell you ſo?

Mr. *Jeniſon.* About the latter end of *July* (78.) when there was a Diſcourſe of a Deſign, and that the greateſt *Papiſts* were in it; he ſaid Mr. *Oats* a Parſon newly come over to them was in that Deſign, I anſwered, I did wonder that he would truſt a reconciled Enemy; he anſwered, That being once reconciled, they were more Zealous and Truſty: I ſubmitted to his Opinion, and inſtanced in Dr. *Godwyn* and Dr. *Bayley* that were Proteſtants, and afterwards came over to the Church of *Rome.*

Mr. *Treby.* We have done with him my Lord.

L. *H. Stew.* Will your Lordship ask him any Queſtions my Lord *Stafford?*

*L. Staff.* No my Lord.

Sir *Fr. Win.* My Lords, I would only obſerve the time when he ſays, his Brother told him of the Deſign, that it was about the time of the Muſtering of the Forces upon *Hounſlowe-Heath*, and that he was then told Mr. *Oats* was in the Plot; I only obſerve it now for the end of the Caſe in point of time.

*L. H. Stew.* He ſays it was in *July.*

Mr. *Jeniſon.* It was two Months after the Muſtering of the Forces, about the latter end of *July.*

*L. H. Stew.* Before the Diſcovery. Mr. *Jeniſon.* Yes.

*L. H. Stew.* Did you know *Oats* at that time?

Mr. *Jeniſon.* No, my Lords. I was not acquainted with him.

Sir *John Trevor.* Did you not ſee him then?

Mr. *Jeniſon.* Yes, I ſaw him at *Irelands* Chamber.

Sir *John Trevor.* When was that?

Mr. *Jeniſon.* The latter end of *April*, or the beginning of *May.*

*L. H. Stew.* You ſay you did not know him in *July*; How then can you ſay you ſaw him before?

Mr. *Jeniſon.* I did not know him, I only ſaw him come into *Irelands* Chamber and whiſper for ſome time, two or three minutes, and then they told me, that that was Mr. *Oats*, a Parſon newly come over to them, a brisk jolly man, and worthy my acquaintance.

*L. H. Stew.* Is this the ſame man you ſaw there?

Mr. *Jeniſon.* My Lords, I can't remember his face, for he was gone out when I was told of him.

*L. H. Stew.* Why, you know Mr. *Oats* now? Mr. *Jeniſon.* Yes, I do.

*L. H. Steward.* Do you know him to be the ſame man that you ſaw then?

Mr. *Jeniſon.* I can't tell that.

Sir *John Trevor.* My Lords, he ſays Mr. *Oats* only came in for three or four minutes and his back was towards him, and his Brother told him when he was gone, who it was.

Mr. *Jenison.* I only knew his Name from my Brother.

Mr. *Treby.* And I presume your Lordships will observe this was at the very time of the Jesuits Consult.

Sir *John Trevor.* We desire this Gentleman may tell your Lordships who his Brother is, and what Profession he is of.

Mr. *Jenison.* My Brother was a Jesuit brought up at St. *Omers.*

*L. H. Steward.* Your Brother is dead, and died in *Newgate?*

Mr. *Jenison.* Yes, he did so.

*L. H. Steward.* Pray recollect your self again, When was it that you saw the man they called *Oats* at the Jesuits Chamber?

Mr. *Jenison.* My Lords, It was in the year (78) the latter end of *April* or the beginning of *May.* And I will tell you why I apprehend it to be that time; My Brother being a Priest lived with Sir *Phillip Tyrwhitt* in *Lincolnshire,* and in that year in *Lent* he came to Town with my Lady and that Family, and he and I used to Dine together at the Fish Ordinary at *Pedleys.* And about three weeks or a month after that time when he came to Town I was at Mr. *Irelands* Chamber, and there was a Gentleman whom they told me was *Oats.*

*L. H. Stew.* This you say was the latter end of *April,* or beginning of *May* (78) for the time is material, upon your Oath you say it?

Mr. *Jenison.* Yes, my Lords, I do.

*L. H. Stew.* You say it was at *Ireland's* Chamber?

Mr. *Jenison.* Yes, my Lords.

Sir *Fr. Win.* My Lords, will you give us leave to ask him one short Question, because some of the Gentlemen doubt of it, we would ask it again, what his Brother was, whether he was a Jesuit or no?

Mr. *Jenison.* I have heard him own it my Lords.

*L. H. Stew.* Whom do you call next, Gentlemen?

Mr. *Treby.* If it please your Lordships we shall in the next place produce our Evidences that are matters of Record and we desire your Lordships advice and direction how we are to minister the same, whether your Lordships will have them all read, or [illegible]ord of them, and let them be left with your Lordships.

*L. H.* [illegible] Records are they?

Mr. *Treby.* They are the Records of the Attainder of *Coleman, Ireland,* and the other Conspirators.

*L. H. Stew.* The Fact is so notorious that they were Attainted and Executed, That the reading of a word will serve the turn.

Sir *John Trevor.* Then we desire they may be produced here, and the Copies proved upon Oath, and then we shall leave them upon your Lordships Table. And my Lords we desire likewise at the same time to save another trouble, there may be delivered in the Convictions of *Reading, Lane, Knox,* and others.

*Then*

*Then Mr.* Clare *was Sworn, and delivered in the Copies of the Records,*

*L. H. Stew.* What Record is that?

Mr. *Clare.* It is the Record of the Attainder of *Coleman* for high Treason.

*L. H. Stew.* Did you examine it? Mr. *Clare.* I did examine it.

*L. H. Stew.* Is it a true Copy?

Mr. *Clare.* To the best of my understanding it is. Here is likewise a Copy of the Record of the Conviction of *Ireland*, *Pickering*, and *Grove* for high Treason.

*L. H. Stew.* Is there Judgment of Attainder entred upon Record.

Mr. *Clare.* Yes *my Lords*, there is Judgement entred. Here is a Copy of the Indictment, Conviction, and Attainder of *Whitebread*, *Fenwick*, *Harcourt*, *Gavan*, and *Turner* for high Treason. Here is a Copy of the Record of Attainder of *Richard Langhorn* for high Treason. Here is a Copy of the Attainder of *Green*, *Berry*, and *Hill* for the Murder of Sir *Edmond-bury Godfrey*. Here is a Copy of the Conviction of Mr. *Nathaniel Reading*, for endeavouring to Suborn Mr. *Bedlow*, to retract his Evidence against some of the Lords in the *Tower*, and Sir *Henry Tichbourn*,

*L. H. Stew.* What is the Judgment there?

Mr. *Clare.* The Judgment is entred upon it, and 'tis to pay 1000 *l.* Fine, and to be put in, and upon the Pillory in the *Palace-Yard Westminster* for an hour, with a Paper upon his head written in great Letters, *For endeavouring Subornation of Perjury.* Here is a Copy of the Record of the Conviction of *Tasbrough* and *Price*, for endeavouring to Suborn Mr. *Dugdale*, and Judgment entred upon it. And here is a Copy of the Record of Conviction of *Knox* and *Lane*, for Conspiring to asperse Dr. *Oats* and Mr. *Bedlow*.

Here is the Record of the Conviction of *John Giles* for barbarously attempting to Assassinate *John Arnold* Esq; one of His Majesties Justices of the Peace; and the Judgment entred thereupon is, To stand three times on the Pillory, with a Paper on his Hat declaring his Offence, to pay 500 *l.* to the King, to lie in Execution till the same be paid, and find Sureties for his *Good Behaviour* during life.

*L. H. Stew.* Deliver them all in. And if my Lords have occasion to doubt of any thing, being left in the Court they will be there ready to be used. (All which were then delivered in.)

Mr. *Treby.* My Lords, we humbly desire that the Record of *Coleman* may be read, because there is more of special matter in it than any of the rest, and your Lordships may dispose of the others as you please.

*L. H. Stew.* Read the Record of *Coleman.*

Then the Clerk read (in *Latin*) the Record of the Attainder of *Edward Coleman*, formerly Executed for high Treason, by him Committed in this horrid *Popish* Plot, which in *English* is as followeth, *viz.*

*of*

# Of the Term of Saint MICHAEL in the Thirtieth Year of the Reign of King CHARLES the Second, &c.

*Middlesex.* AT another time, (to wit) on *Wednesday* next after eight days of St. *Martin*, this same Term, before our Lord the King at *Westminster*, by the Oath of Twelve Jurors, honest and lawful Men of the County aforesaid, Sworn and Charged to Enquire for our said Lord the King and the Body of the County aforesaid, it stands presented, That *Edward Coleman* late of the Parish of Saint *Margaret Westminster* in the County of *Middlesex* Gentleman, as a false Traitor against the most Illustrious, most Serene and most Excellent Prince, our Lord CHARLES the Second, by the Grace of God of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, &c. and his Natural Lord, not having the Fear of God in his Heart, nor weighing the Duty of his Allegiance, but by the instigation of the Devil moved and seduced, the cordial Love, and the true, due and Natural Obedience which true and faithful Subjects of our said Lord the King towards Him our said Lord the King ought and of right are bound to bear, utterly withdrawing, and devising, and with his whole Strength intending the Peace and common Tranquility of this Kingdom of *England* to disturb, and the true Worship of God within this Kingdom of *England* practised, and by Law established, to overthrow, and Sedition and Rebellion within this Realm of *England* to move, stir up, and procure, and the cordial Love, and true and due Obedience, which true and faithful Subjects of our said Lord the King towards Him our said Lord the King should bear, and of right are bound to bear, utterly to withdraw, blot out, and extinguish, and our said Lord the King to death and final destruction to bring and put, the 29*th.* day of *September* in the 27*th.* year of the Reign of our Lord CHARLES the Second, by the Grace of God, of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, &c. at the Parish of St. *Margaret Westminster* aforesaid, in the County aforesaid, falsly, maliciously, subtilly and traiterously proposed, compassed, imagined and intended Sedition and Rebellion within this Realm of *England* to move, raise up and procure, and a miserable Slaughter among the Subjects of our said Lord the King to procure and cause; and our said Lord the King from his Kingly State, Title, Power and Government of His Realm of *England* utterly to deprive, depose, deject and disinherit, and Him our said Lord the King to Death and final Destruction to bring and put, and the Government of the same Realm and the sincere Religion of God in this Kingdom, rightly and by the Laws of this Realm established for his Will and Pleasure to change and alter, and the State of this whole Kingdom in its universal parts well instituted and ordained, wholly to subvert and

and destroy; and War against our said Lord the King within this Realm of *England*, to levy: and to accomplish and fulfil these his most wicked Treasons and traiterous Imaginations and Purposes aforesaid; The same *Edward Coleman* afterwards, to wit, the said Twenty ninth day of *September*, in the abovesaid Twenty Seventh year of the Reign of our said Lord the King, at the Parish of Saint *Margaret Westminster* aforesaid, in the County of *Middlesex* aforesaid, falsly, subtilly and traiterously devised, composed and writ two Letters to be sent to one Monsieur *Le Chese* then Servant and Confessor of *Lewis* the *French* King, to desire, procure and obtain to the said *Edward Coleman* and other false Traitors against our said Soveragin Lord the King from the said *French* King, his Aid, Assistance and Adherence, to alter the true Religion in this Kingdom then and still Established, to the Superstition of the Church of *Rome*, and to Subvert the Government of this Kingdom of *England*: And afterwards, to wit, the said Twenty Ninth Day of *September*, in the abovesaid Twenty Seventh Year of the Reign of our said Lord now King of *England*, &c. at the aforesaid Parish of Saint *Margaret Westminster* in the County of *Middlesex* aforesaid, falsly, and traiterously devised, composed and writ two other Letters to be sent to one Monsieur *Le Chese* then Servant and Confessor of the said *French* King, to the intent, that he the said Monsieur *Le Chese* should intreat, procure, and obtain to the said *Edward Coleman*, and other false Traitors, against our said Soveraign Lord the King, from the aforesaid *French* King, his Aid, Assistance and Adherence to alter the true Religion in this Kingdom of *England* then and still Established, to the Superstition of the Church of *Rome*, and to Subvert the Government of this Kingdom of *England*; And that the aforesaid *Edward Coleman*, in further prosecution of his Treasons and Traiterous Imaginations and Purposes aforesaid afterwards, to wit, the same Twenty Ninth Day of *September*, in the abovesaid Twenty Seventh Year of the Reign of our said now Lord the King, the aforesaid several Letters from the said Parish of Saint *Margaret Westminster* in the County of *Middlesex* aforesaid, falsly, subtilly, and traiterously did send into Parts beyond the Seas, there to be delivered to the said Monsieur *Le Chese*; And that the aforesaid *Edward Coleman*, afterwards, to wit, the First Day of *December* in the Twenty Seventh Year of the Reign of our Soveraign Lord CHARLES the Second now King of *England*, &c. at the aforesaid Parish of Saint *Margaret Westminster* in the County of *Middlesex* aforesaid, one Letter from the aforesaid Mounsieur *L. Chef*, (in answer to one of the said Letters (so by him the said *Edward Coleman* writ, and to the said Monsieur *L. Chese* to be sent) first mentioned) falsly, subtilly, and traiterously received, and that Letter, so in answer received, the Day and Year last abovesaid, at the aforesaid Parish of Saint *Margaret Westminster* aforesaid, in the County of *Middlesex* aforesaid, falsly, subtilly and traiterously did inspect and read over, and that the aforesaid *Edward Coleman*, the Letter aforesaid so by him in answer received in his custody and possession the day and year last aforesaid, at the aforesaid Parish of St. *Margaret Westminster*, in the County of *Middlesex* aforesaid, falsly, subtilly and traiterously detained, concealed and kept; By which said Letter the said Monsieur *Le Chese* the day and year last abovesaid, at the aforesaid Parish of St. *Margaret Westminster*, in the County of Middlesex aforesaid, signified and promised to the said *Edward Coleman*, to obtain for him the said *Edward Coleman* and other false Traitors

against

againſt our ſaid Lord the King, from the ſaid *French* King, his Aid, Aſſiſtance and Adherence; And that the aforeſaid *Edward Coleman*, afterwards, to wit, the Tenth day of *December* in the aboveſaid Twenty ſeventh Year of the Reign of our ſaid Soveraign Lord *Charles* the Second now King of *England*, &c. at the Parish of St. *Margaret Weſtminſter* aforeſaid, in the County of *Middleſex* aforeſaid, falſly, maliciouſly, ſubtilly and traiterouſly did relate and declare his traiterous Deſigns and Purpoſes aforeſaid, to one Monſieur *Ronvigni*, (then Envoy Extraordinary from the *French* King, to our ſaid moſt Serene King, at the Parish aforeſaid, in the County aforeſaid, reſiding) to move and excite him the ſaid Envoy Extraordinary with him the ſaid *Edward Coleman*, in his Treaſons aforeſaid to partake: And the ſooner to fulfil and compleat thoſe his wicked Treaſons and traiterous imaginations and purpoſes aforeſaid, he the ſaid *Edward Coleman*, afterward, to wit, *December* 19. in the aboveſaid 27*th*. year of the Reign of our ſaid Lord *Charles* the Second now King of *England*, &c. at the aforeſaid Parish of S. *Margaret Weſtminſter*, in the County of *Middleſex* aforeſaid, adviſedly, maliciously ſubtilly and traiterouſly did deviſe, compoſe, and write three other Letters to be ſent to one Sir *William Throgmorton* Knt. then a Subject of our now Lord the King, of this Kingdom of *England*, and reſiding in *France*, in Parts beyond the Seas, to ſollicite him the aforeſaid Monſieur *Le Cheſe* to procure & obtain of the ſaid *French* King his Aid, Aſſiſtance and Adherence aforeſaid. And thoſe Letters laſt mentioned, afterwards, to wit, the day and year laſt aboveſaid from the aforeſaid Parish of St. *Margaret Weſtminſter*, in the County of *Middleſex* aforeſaid, to the ſame Sir *William Throgmorton* in *France* aforeſaid, falſly and traiterouſly did ſend, and cauſe to be delivered, againſt the duty of his Allegiance, and againſt the Peace of our ſaid now Lord the King, his Crown and Dignity, and againſt the Form of the Statute in ſuch caſe made and provided. Wherefore it was commanded the Sheriff of the County aforeſaid, that he ſhould not omit &c but that he ſhould take him, if &c. to anſwer &c. And now, to wit, on *Saturday* next after eight days of St. *Martin* this ſame Term, before our Lord the King at *Weſtminſter*, came the aforeſaid *Edw. Coleman* under the Cuſtody of *Will. Richardſon* Gent. Keeper of the Gaol of our ſaid Lord the King of *Newgate*, by vertue of the King's Writ of *Habeas Corpus ad Subjiciend'* &c. (into whoſe cuſtody before then for the cauſe aforeſaid he was committed) to the Bar here brought in his proper perſon, who is committed to the *Marſhal*, &c. and preſently of the Premiſſes to him above impoſed, being asked, how he will thereof be acquitted? ſaith, that he is in no wiſe thereof guilty, and thereof for good and evil doth put himſelf upon the Country. Therefore let a Jury thereupon come before our Lord the King at *Weſtminſter* on *Wedneſday* next after fifteen days of St. *Martin*; and who &c. to recognize &c. becauſe &c. the ſame day is given to the ſaid *Edward Coleman* &c. under the cuſtody of the ſaid Keeper of the Gaol of our ſaid Lord the King of *Newgate* aforeſaid in the mean time committed to be ſafely kept until &c. At which *Wedneſday* next after fifteen days of St *Martin*, before our Lord the King at *Weſtminſter*, came the aforeſaid *Edward Coleman* under cuſtody of the aforeſaid keeper of the Kings Gaol of *Newgate* aforeſaid, by vertue of a Writ of our Lord the King of *Habeas Corpus ad Subjiciend'* &c. to the Bar here brought in his proper perſon who is committed to the aforeſaid Keeper of the Kings Gaol of *Newgate* aforeſaid; And the Jurors of the Jury aforeſaid, by the Sheriff of the County aforeſaid, hereunto impannelled, being called, came, who being choſen, tryed and ſworn to ſpeak the Truth upon the Premiſſes, ſay upon their Oaths, that the aforeſaid *Edward Coleman* is guilty of the High Treaſon aforeſaid, in the Indictment aforeſaid ſpecified, in manner and

and Form as by the ſaid Indictment above againſt him his ſuppoſed; and that the aforeſaid *Edward Coleman* at the time of perpetration of the High Treaſon aforeſaid, or at any time afterwards had no Goods, Chattels, Lands or Tenements to the knowledge of the Jurors aforeſaid; And the aforeſaid *Edward Coleman* being asked if he hath any thing, or knows what to ſay for himſelf, why the Court here ought not to proceed to Judgment and Execution of him upon the Verdict aforeſaid, ſaith nothing, but as before he had ſaid: And hereupon inſtantly the Attorney General of our ſaid Lord the King, according to due form of Law, demandeth againſt him the ſaid *Edward*, Judgment and Execution to be had upon the Verdict aforeſaid, for our Lord the King. Whereupon all and ſingular the Premiſſes being viewed, and by the Court here underſtood: It is conſidered, That the ſaid *Edward Coleman* be led by the ſaid Keeper of the Gaol of *Newgate* aforeſaid unto *Newgate* aforeſaid, &c. from thence directly be drawn to the Gallows of *Tyburn*, and upon thoſe Gallows there be hanged, and be cut down alive to the Earth, and his Entrals be taken out of his Belly and be burned (he ſtill living:) and that the Head of him be cut off, and that the Body of him be divided into Four parts; and that thoſe Head and Quarters be put where our Lord the King will aſſign them, &c.

*L. Staff.* I do not hear one word he ſays, my Lords.

*L. H. Stew.* My Lord, this does not concern your Lordship any further, than as to the generality of the Plot.

Sir *Will. Jones.* My Lords, we have now done with our Proofs for the firſt general head that we opened, which was to make it out, that there was a Plot in general. We now come to give our particular Evidence againſt this very Lord, and before we do begin, we think fit to acquaint your Lordships, that our Evidence will take up ſome time, if your Lordships will have the patience to hear it now, we will give it; but if your Lordships will not ſit ſo long till we can finish it, it may be ſome inconvenience to us to break off in the middle. And therefore we humbly offer it to your Lordships conſideration, whether you will hear it now or no.

*L. H. Stew.* If it cannot be all given and heard now, it were better all ſhould be given to morrow.

Sir *Will. Jones.* If your Lordships pleaſe then, we will reſerve it till to morrow.

*L. Staff.* My Lords, I would only have your directions, whether I ſhall anſwer this General firſt, or ſtay till all be ſaid againſt me? That which I have to ſay to this General, will be very ſhort.

*L. H. Stew.* My Lord, you are to make all your Anſwer entire, and that is beſt for you.

*L. Staff.* I am very well contented, that I may be the better prepared for it.

*L. H. Stew.* Is it your Lordships pleaſure, that we ſhould Adjourn into the Parliament Chamber? *Lords.* Ay, Ay.

*L. H. Stew.* Then this Houſe is Adjourned into the Parliament Chamber.

And the Lords went away in the ſame Order they came.

The Commons returned to their Houſe, and Mr. Speaker reſumed the Chair, and then the Houſe Adjourned to eight of the clock the next morning.

# The Second Day.

## *Wedneſday* December 1. 1680.

A Meſſage was ſent from the Lords by Sir *Timothy Baldwyn* and Sir *Samuel Clark*.

Mr Speaker,

The Lords have ſent us to acquaint this Houſe, That they intend to proceed to the Tryal of *William* Viſcount *Stafford*, at ten of the clock this morning in *Weſtminſter-Hall*.

Mr. Speaker left the Chair, and the Commons came into *Weſtminſter Hall* in the new erected Court.

And the Managers appointed by the Commons went into the Room prepared for them in that Court, to proceed to the particular Evidence againſt *William* Viſcount *Stafford*.

About ten of the clock in the morning the Lords came into the ſaid Court in their former Order, and Proclamation being made of Silence, and for the Lieutenant of the *Tower* to bring his Priſoner to the Bar, they proceeded.

*L. H. Stew.* My Lords expect you ſhould go on with your Evidence, and proceed in the Tryal of this Noble Lord.

*L. Stafford.* My Lords, if your Lordſhips pleaſe, I humbly deſire that my Counſel may be near me for the Arguing of what is fit to them to ſpeak to, as to points of Law, for points of Fact I do not deſire it.

*L. H. Stew.* My Lord, you have an Order for your Counſel to attend, and they muſt and ought to attend.

Mr. Serjeant *Maynard.* The Counſel muſt not ſuggeſt any thing to him while the Evidence is giving, they are not to be heard as to matter of Fact.

*L. H. Stew.* It is not intended to make uſe of Counſel, as to matter of Fact, but they may ſtand by.

Mr. Serjeant *Maynard.* My Lords, they may ſtand within hearing, but not within prompting.

*L. Staff.* I aſſure you, if I had all the Counſel in the world, I would not make uſe of them for any matter of Fact.

Mr. *Treby.* My Lords, will you pleaſe to order them to ſtand at a convenient diſtance, that they may not prompt the Priſoner.

Sir *Will. Jones.* My Lords, I hope your Lordſhips will conſider, that a man in a Capital Cauſe ought not to have Counſel to matter of Fact. 'Tis true, he may adviſe with his Counſel, I deny it not; but for him in the face of the Court to

to communicate with his Counsel, and by them be told what he shall say, as to matters of Fact, is that which (with submission) is not to be allowed. If your Lordships order they shall be within hearing, *I* do not oppose it, but then *I* desire they may stand at that distance that there may be no means of intercouse, unless points in Law do arise.

*L. H. Stew.* You were best make that exception when there is Cause for it, in the mean time go on with your Evidence.

Sir *Franc. Winn.* We did perceive his Counsel came up towards the Bar, and very near him, and therefore we thought it our duty to speak before any inconvenience happened. This Lord being accused of High Treason, the allowing of Counsel is not a matter of Discretion. If matters of Law arise, all our Books say, that Counsel ought to be allowed. But we pray that there may be no Counsel to advise him in matter of Fact, nor till your Lordships find some Question of Law to arise upon the Evidence.

*L. H. Stew.* When there is Cause take the Exception, but they do not as yet misbehave themselves.

Mr. *Treby.* My Lords, we presume your Lordships did, from the strength and clearness of yesterdays Evidence, receive full satisfaction concerning the *general* Plot and Conspiracy of the *Popish Party*.

It being an Evidence apparently invincible; not out of the mouths of *two* or *three* Witnesses only, but of *twice* that number (or more) credible persons.

Upon which we doubt not but your Lordships who *hear*, and Strangers and unborn Posterity when they *shall* hear, will justifie this Prosecution of the Commons, and will allow that this Impeachment is the proper *voice* of the Nation crying out, as when the *knife* is at the throat. By the Evidence already given, I say, it is manifest that there was a general grand Design to destroy our *Religion*, our *King*, and his *Protestant* Subjects. And 'tis even impossible that this Design, so big, could be conducted without the *concurrence* of *such* persons as this Noble Lord at the Bar. It could not be carried on by *less* and *lower* men.

And it were a *wonder*, that a person so fervently affected and addicted (as this Lord is) to that Party, should not be *in*, at so general a Design of the Party.

But this indeed is but *presumptive* Evidence which will induce a *moral* persuasion.

We shall now produce such *positive* Evidence as will make a *judicial* certainty; and will abundantly suffice to *convince* your Lordships and *convict* this Lord.

The *Particulars* you will hear out of the mouths of the Witnesses, whom we shall call: They will testifie what share this Lord had in (almost) all the Parts and Articles in our Charge; contriving and contracting for the *Murder of the King*, levying *Arms*, *&c.* And first we call Mr. *Dugdale*.

*L. Stafford.* My Lords, I conceive I have good ground to except against this man for a Witness; for my own particular, I know my self as clear and

free as any one here, but I will not except againſt him now, but reſerve it againſt the time when I come to make my Defence, and therefore admit him to be ſworn, provided, my Lords, that he look me full in the face.

*L. H. Stew.* My Lord *Stafford*, what is your Exception againſt this man that he may not be a Witneſs?

*L. Stafford.* I do admit him to be ſworn, I ſay nothing now againſt him.

Mr. *Treby.* He is ſworn already.

*L. H. Stew.* You ſwore him to give Evidence as to the general Plot; you did not ſwear him as to the particulars againſt my Lord *Stafford.*

Sir *John Trevor.* We are content he ſhall be ſworn again, we pray he may be ſworn.

Sir *Will. Jones.* 'Tis true, my Lords, we did divide the Evidence into two parts, but his Oath was not divided; if your Lordships pleaſe you may ſwear them all over again, if it may be any ſatisfaction, but I think it was never ſeen before.

Then Mr. *Dugdale* was ſworn.

*L. H. Stew.* There is Mr. *Dugdale*, come Sir, what ſay you?

*L. Staff.* Really he is ſo changed I do not know him.

Mr. *Dugd*, My Lord, I have Witneſſes to prove that you know me,

*L. Staff.* I beg your Lordships that he may look me in the face and give his Evidence, as the Law is.

Sir *John Trevor.* My Lords, if this Noble Lord the priſoner at the Bar will have this Witneſs to look him continually in the face, the Court will not hear half his Evidence; We deſire he may addreſs himſelf as the Law is to your Lordships and the Judges.

*L. Staff.* I deſire the Letter of the Law, which ſays, my Accuſer ſhall come face to face.

Mr. *Dugd.* My Lords, I am willing to do as your Lordships ſhall order.

*L. H. Steward.* My Lord, you do ſee the Witneſs, that is enough for face to face, and you make no legal exception againſt him, why he ſhould not be heard.

*L. Staff.* Very well my Lord, I ſubmit.

Mr. *Dugd.* My Lords, I have for ſome years paſt whilſt I was a Servant with my Lord *Aſton*, been acquainted and frequently had Diſcourſes with my Lord *Stafford*, before we came to diſcourſe any thing concerning the Plot on foot. Lately in (78.) my Lord coming down into the Countrey, it was either in *Auguſt* or *September*, the latter end of *Auguſt* or the beginning of *September*———

*L. Staff.* I beſeech your Lordships he may name the times.

*L. H. Stew.* My Lord, if your Lordship pleaſe do not interrupt the Witneſſes, but wherein he is ſhort, do you ask him the Queſtion when it comes to your turn, I will bring it to as much certainty as I can.

Mr. *Dugd.* There was a meeting at *Tixal*, where there were ſeveral preſent——

*L. H. Steward.* When?

Mr. *Dugdale.* It was in *September* or the latter end of *August.*

*L. H. Stew.* What year?

Mr. *Dugdale.* (78.) My Lords, I had then by Mr. *Evers* means, admittance to hear, becauſe of my incouragement, what the Diſcourſe was at that time. It was to debate and determine upon the former Reſolutions both beyond Sea and at *London,* before both to take away the life of the King, and to introduce their Religion, of which I was then one. My Lord *Stafford* was there preſent, and did with the reſt conſent to it. Afterwards my Lord *Stafford* being at one Mr. *Abnets* of *Stafford* one *Sunday* morning in *September,* came to my Lord *Aſton*'s Houſe to Maſs: I met with my Lord *Stafford* at ſome diſtance from the Gate, and my Lord ſpeaking to me when he alighted off from his Horſe, told me, it was a very ſad thing they could not ſay their Prayers, but in an hidden manner, but e're long we ſhould have our Religion eſtabliſhed; which was much to my joy at that time. After that time my Lord *Stafford* was ſometimes at *Stafford,* and ſometimes at *Tixal,* I will not be poſitive as to a day, but I think it was about the middle of *September:* My Lord *Stafford* ſent for me to his lodging Chamber, as he had ſeveral times before ſent for me: and ſaid, he had had great Commendations of me from Mr. *Evers* that I was Faithful and Truſty.

Lord *Stafford.* My Lords, I deſire I may have Pen, Ink and Paper allowed me.

*L. H. Stew.* Ay, God forbid you ſhould be denied that; Give my Lord Pen, Ink and Paper: I hope your Lordſhip hath one to aſſiſt you that takes Notes for you, if you have not, you have loſt a great deal of time already.

*L. Staff.* There was one all day yeſterday my Lords, I deſire he may ſpeak his Evidence over again.

*L. H. Stew.* Let him begin his Evidence again, for my Lord had not Pen, Ink nor Paper, which he ought to have, to help his memory.

Mr. *Dugdale.* I may miſs as to the words, but the matter of Fact I ſhall repeat; my Lords I have been frequently acquainted whilſt I was a Servant at my Lord *Aſton*'s with my Lord *Stafford,* coming to my Lords Houſe in the Country, and my Lord being ſeveral times there I came to that Intimacy by Mr. *Evers* means, that my Lord would frequently diſcourſe with me. About the latter end of *Auguſt* or ſome day in *September,* my Lord *Stafford,* my Lord *Aſton* and ſeveral other Gentlemen, were in a Room in my Lord *Aſton*'s Houſe, and by the means of Mr. *Evers* I was admitted to hear for my incouragement; and there I heard them in that Debate at that time fully determine a Reſolution upon all the Debates that had been beyond Sea and at *London* before, That it was the beſt way they could reſolve on to take away the life of the King, as the ſpeedieſt means to introduce their own Religion. After ſometime my Lord being at *Stafford* at Mr. *Abnets*------

*L. H. Steward.* Was my Lord *Stafford* at that meeting, where they debated to kill the King?

Mr. *Dugdale.* My Lord was there.

*L. H. Steward.* Was he consenting to that Resolution?

Mr. *Dugdale.* Yes, I heard every one give their particular full assent.

(*At which there was a great Hum:*)

*L. H. Steward.* What is the meaning of this? For the Honour and Dignity of publick Justice, let us not carry it as if we were in a Theatre.

Mr. *Dugdale.* My Lords, Some times in *September*, my Lord *Stafford* being at Mr. *Abnets* House in *Stafford*, came once upon a *Sunday* morning to hear Mass: I meeting him at the outward Gate of my Lord *Aston*'s House when he alighted off his Horse, after some Discourse he turned to me, and told me, It was a sad thing we could not say our Prayers but in an hidden manner, but e're long if things took effect we should have the *Romish* Religion established. And I at that time did seem to be, and really was as glad as any person could be. After some time, I think it was about the 20. or 21. of *September* my Lord *Stafford* sent for me into his lodging Room, I think it was by his Page, or him that waited upon him in his Chamber: and he told me I must come to my Lord, and I immediately went to his Lordship, he was just then arising and dressing, he sent his men out, and told me, he had had a good Accompt from Mr. *Evers* and other Gentlemen that I would be faithful and true to their Intentions about the introducing their Religion. He told me, he was likewise concerned himself, and that in a very high degree: and for taking away the Life of the King, he offered me at that time for my Charges and Encouragement 500 *l.* and that I should go in *October* after to *London* with him (my Lord *Stafford*,) and that I should be with him sometimes at *London*, and sometimes at an House of my Lord *Aston*'s about twenty five miles from *London*, and that I should be under the care of him in *London* and Mr. *Ireland*, and in the Countrey, of one Mr. *Parsons* that knew of the Design. I did then shew as much resolution to be faithful to my Lord as I could, and that I would be true to what my Lord then engaged me. I after went to Mr. *Evers* and communicated to him what my Lord *Stafford* said, and was something in admiration at my Lord's offering me such a Sum of Money, for I doubted of my Lords Ability to make good Payment. He told me, that I need not fear it, for Mr. *Harcourt* and Mr. *Ireland* had Money enough in their hands to defray that and other Charges, and I should not want Money for the carrying it on. My Lords, I remember that at another time there was a meeting, wherein there was a Debate about my going up, and other businesses; my Lord *Stafford* was present, and there were several there besides, I did not know them all then; but in the first place they told me I should be made equal with one Captain *Adderly* that is since dead, and that I should have a Reward in *London*: I understood that the Duke of *York*, my Lord *Arundel* and my Lord *Bellasis*

and

and others were to give me it; and speaking of the Rewards to those that were ingaged, they said, there would be Land enough from the *Protestants* to satisfie all that acted in the Design. Another time my Lord *Stafford* discoursing in a Dining Room in my Lord *Aston*'s House, did express his great Zeal, and the reason why he was such an Enemy against the King: he said, both he and my Lord *Aston* had been great Sufferers for the King, and for his Father, and that my Lord in particular his Grandfather or his Father had spent 30000 *l.* in the Kings Service, and had no Recompence, that he had always shewed himself Loyal to the King, but whenever there came any place of Preferment to be disposed of, it was rather given to such as had been Traytors and Rebels to the old King, and likewise to the King himself than to any that had been had Loyal. He said, this was his chief Motive, if there were not Religion in the Case, which was of an higher nature, or to that purpose.

*L. H. Stew.* When was this last Discourse?

Mr. *Dugdale.* In *September* (78.) as near as I remember, for we had several Discourses.

*L. H. Stew.* This was not the time you were at my Lords Chamber.

Mr. *Dugdale.* No it was in my Lord *Aston*'s Dining Room.

*L. H. Stew.* No, nor when he sent for you to offer you the 500 *l.*

Mr. *Dugdale.* No, not at that time, it was another time.

*L. H. Stew.* What Month and Year?

Mr. *Dugdale. September* (78.) my Lord.

Mr. *Foley.* I desire he may give your Lordships an account what assurance he had of Pardon, if he did succeed.

Mr. *Dugdale.* I was told I need not fear, and particularly my Lord *Stafford* told me, I should have a free Pardon for it, for the King had been Excommunicated, and was likewise a Traytor, and a Rebel, and an Enemy to Jesus Christ.

*L. H. Steward.* But how could you be Pardoned? From whom were you to have that Pardon?

Mr. *Dugdale.* I was to be Pardoned by the Pope.

*L. H. Stew.* That was for your Sins?

Mr. *Dugdale.* Yes, I expected no other if I had gone on.

Mr. *Treby.* Were you promised nothing else but a Pardon from the Pope?

Mr. *Dugdale.* Yes, I was to be Sainted.

Sir *Will. Jones.* Will his Lordship please to ask him any Questions, we ask him no more.

Mr. *Foley.* Yes, I desire another Question may be asked him, that he would give an account of the Letters my Lord *Stafford* writ to *Evers* about the Design.

*L. H. Stew.* What say you to that Question?

Mr. *Dugdale.* There came a Letter to *Evers* from my Lord *Stafford*, I knew it to be my Lords hand, some might counterfeit his hand, but as near as a man can

can swear to the hand of another in a Paper he did not see written, that was my Lords hand; That things went all well beyond Sea, and so he did hope they did here for the carrying on of the Design, it was to this purpose expresly.

Mr. *Treby.* We have done, my Lords, with him.

*Lord High Steward.* My Lord *Stafford,* will you ask him any Questions?

*L. Staff.* My Lords, I have divers Questions to ask him, very many, but I humbly crave your Lordships Directions, if I ask him any Questions now, whether I may not ask him some afterwards.

*L. H. Steward.* My Lord, you may ask Questions of the Witnesses as often as you please, and when ever you find it useful to you, God forbid there should be any time to foreclose a man from asking a Queston that may save his life.

*L. Staff.* I pray he may be asked how long before this time he knew of the Plot.

*L. H. Steward.* How long have you known this Plot?

Mr. *Dugd.* In general, for the introducing of the Popish Religion, and the incouragement to it by the Duke of *Yorks* being Successor, I have known it 15 or 16 years by the means of Mr. *Evers.*

*L. Staff.* My Lords, I understand him, he says, he knew of the Plot 15 or 16 years ago, if I be not mistaken, he says so.

Mr. *Dugd.* My Lords, if your Lordships please to give me leave to explain my self further, it was not for taking away the life of the King, but for making ready against the King died with Men and Arms.

*L. Staff.* My Lords, he says, in the latter end of *August,* or beginning of *September,* I told him such and such things, I desire he may name the day, that may be many days, and I may prove I was not there, and I can prove for all *August,* and a good while in *September,* therefore I desire he may name the day.

*L. H. Steward.* My Lord *Stafford,* I come thus near on purpose to serve your Lordship, that you may not strain your voice too much, but I am not so happy as to apprehend what it is you say.

*L. Staff.* My Lords, I say, he speaks of the latter end of *August,* or beginning of *September,* which is too great a latitude, and I conceive more than ought to be given in such a matter of importance as this is to me; I desire he may name the day, for he may name days perhaps that I was not there.

*L. H. Steward.* Look you, Mr. *Dugdale,* my Lord does desire, if you can, you would be a little more particular than about the latter end of *August,* or the beginning of *September,* if you can remember the day tell it us.

Mr. *Dugd.* I cannot remember particular days, it being a thing I then took no account of, only this I do remember by a remarkable circumstance, that one time was either the 20. or 21. of *September* (78.)

*L. H. Stew.* That was the time of your coming into his Chamber, and his offering you five hundred pound?

Mr. *Dugd.* It was so, but other meetings I dare not charge to a day.

Lord

Lord *Stafford.* How then can I make my Defence?

Mr. *Dugdale.* I will ſtand to that time.

Lord *Stafford.* How, my Lords, can I be able to give an account of it? I ſhall prove to your Lordships, that he once ſaid it was in *Auguſt*, now he ſays it was in *Auguſt* or *September*. I beſeech you, that he may poſitively ſtand to the month, if not to the day.

Mr. *Dugdale.* I ſpeak as neer as I can.

Lord *Stafford.* But he ſays the 20. or 21. particularly.

Mr. *Dugdale.* Thereabouts I am ſure it was.

Lord *Stafford.* Look you, he will be poſitive in nothing.

Mr. *Dugdale.* I will ſtand to that time.

Lord *Stafford.* If he ſwears falſe in one thing, I hope upon proof of that your Lordships will believe he may be falſe in all. I pray he may be asked what hour of the day it was, whether it was morning or afternoon.

*L. H. Steward.* He is poſitive only to the 20. or 21. of *September*, the time when he ſays you called for him into your Chamber, and offered him five hundred pound to kill the King; would your Lordship ask him whether it were in the forenoon or afternoon?

Lord *Stafford.* Yes, my Lord, I would.

*Lord High Steward.* Was it in the forenoon, or in the afternoon?

Mr. *Dugdale.* It was in the forenoon; for *I* did formerly ſpeak of that, he was dreſſing himſelf when *I* came in.

*L. H. Steward.* Then that is anſwered poſitively.

Lord *Stafford.* My Lords, he ſays one *Sunday* morning I came to my Lord *Aſtons* to Maſs, I deſire you would pleaſe to ask him, whether ever he ſaw Mr. *Evers* and me in his life alone together?

*L. H. Steward.* Have you ſeen my Lord *Stafford* and Mr. *Evers*, ever together alone?

Mr. *Dugdale.* Several times I have ſeen them walking together in the Garden, and in the Walks at my Lord *Aſtons*; and I have been with them my ſelf when there hath been only them two beſides.

*L. H. Stew.* That is anſwered fully; will your Lordship ask him any thing elſe?

Lord *Stafford.* He ſays he was to go to *London* in *October* with me, I ſtand not upon that till I come to make my Anſwer; but I take it, he ſays, the 20. or 21. of *September*, when I offered him five hundred pound, in my Chamber, to kill the King, that he went preſently to *Evers* to ſpeak with him about it.

*Lord High Stew.* As doubting the payment of the money, and he told him, that *Harcourt* and *Ireland* would pay it.

Lord *Stafford.* Was it the ſame day, pray ask him, my Lords?

Mr. *Dugdale.* I do not ſay it was the ſame day, but it was the next time I could come to ſpeak with him.

*Lord High Steward.* He tells you it was as soon as he could speak with him.

Lord *Stafford.* He said before it was presently after he went from me. I desire your Lordships would take notice how he contradicts himself in every circumstance.

*Lord High Stew.* What say you, did you go presently to Mr. *Evers* after my Lord *Stafford* had made the offer? Or was it the same day or the next day?

Mr *Dugdale.* To the best of my remembrance it was the same day; I can't say positively.

Lord *Stafford.* My Lords, I have no other Questions with *Dugdale.*

Sir *John Trevor,* Then my Lords, we will call another Witness.

*Lord High Steward.* Have you no more to say to *Dugdale,* my Lord?

Lord *Stafford.* Not at present till I come to make my defence.

*Lord High Stew.* God forbid, but you should have leave to say all that you can for your self.

Mr. *Treby.* Then set up Dr. *Oats.* Do your Lordships require that he should be sworn again?

Lord *Stafford.* I desire nothing, nor propose it, if he will declare upon his Oath that he took yesterday.

*Lord High Stew.* Heark you Dr. *Oats,* This is but a continuation of the Proceedings yesterday, you are upon the same Oath now that you were then, and what you say this morning will be taken to be upon the same Oath.

Mr. *Treby.* Dr. *Oats,* upon the Oath you have taken yesterday ----

*Lord High Stew.* Pray swear him again, (*which was done.*)

Mr. *Treby.* Dr. *Oats.* Pray speak your knowledge of my Lord *Stafford*'s being ing aged in the Design.

Dr. *Oats.* I desire I may be left to my own method.

*L. H. Steward.* Go on in your own method.

Dr. *Oats.* My Lords, in the year (67.) there were divers attempts upon the life of the King as the Jesuits told me, and in the year (74.) there was an attempt upon the account of the Kings withdrawing the Indulgence in (74.) and (75.) in the year 1677. whilst I was in *Spain* I met with several letters signed *Stafford,* wherein my Lord *Stafford* did assure the Jesuits in *Spain,* that were of the Irish Nation, how zealous he should appear in the promoting of the Catholick Design. My Lords, in the year (77.) I went to St. *Omers,* and I came there in *December.* My Lords, in that year I being ordered to look over the Papers and put them in order; I found several Letters signed *Stafford,* wherein my Lord *Stafford* did intimate to the Fathers that whereas there had been some difference betwixt him and the Society for several years, the business was reconciled by one Seignior *Con,* who came over into *England* in the year (76.) to reconcile the great Difference that was betwixt the Jesuits and the secular Clergy, and between the Benedictine Monks and the Jesuits. My Lords, my Lord *Stafford* upon the persuasion

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swasion of this Seignior *Con*, as he does intimate in his letter, does assure the Jesuits of his fidelity and his zeal. My Lords, in the year (78.) I found letters from my Lord *Stafford* wherein he does blame Mr. *Coleman*'s openness, and his being too publick in the great Affair, and that Mr. *Coleman* was pleased to communicate several great secrets to men, of whose Fidelity his Lordship was not secure. My Lords, in the year (78.) in the month of *June*, my Lord *Stafford*, the Prisoner at the Bar, came to Mr. *Fenwick*, and there received a Commission from him to pay an Army that was to be raised for the promoting of the Catholick Interest, and he did assure Mr. *Fenwick* that he was going down into *Staffordshire*, and there he did not question but he should have a good account how the Catholicks stood affected, and he did not question but to give a good account how Affairs stood in *Staffordshire*, *Shropshire*, and *Lancashire*, and this Commission to my Lord *Stafford* was, as neer as I can remember, to be Pay-Master-General of the Army. My Lords, among other Discourses with my Lord at the Bar, he was discoursing about my Lord Duke of *Norfolk*, and my Lord *Arundel* his Son, and after several other passages, he (*Fenwick*) was asking of him how my Lord *Arundel* came to have a Jesuit in his House. My Lord *Stafford* did say, that my Lord of *Peterborough*, his Father in Law, was instrumental in it on purpose to oblige the Duke of *York*; for my Lord *Arundel*, as I have been told, kept Father *Symonds* in his House, who to my knowledge was a Jesuit. But, my Lords, he came to Mr. *Fenwicks* (my Lord *Stafford* did) by the name of Mr. *Howard* of *Effingham*.

*L. H. Steward.* Were you at *Fenwicks* when my Lord *Stafford* came to his Chamber?

Dr. *Oats.* Yes, my Lords.

*L. H. Steward.* Look upon my Lord *Stafford*, is that the same Person?

Dr. *Oats.* It is the same Gentleman that came there by the name of *Howard* of *Effingham*.

*L. H. Steward.* And he took the Commission?

Dr. *Oats.* Yes, he did so.

*L. H. Steward.* And he promised to effect it?

Dr. *Oats.* Yes, And he said that he was then going down into the Countrey, and he did not doubt but at his return *Grove* should do the business.

*L. H. Steward.* Who said so, *Fenwick*?

Dr. *Oats.* No, my Lord *Stafford*. And, says *Fenwick* to my Lord *Stafford* again, Sir, 'tis fit that some should be here present least you fail of your Expectation, or to that purpose. 'Tis two years since, and I cannot remember the words, but my Lord *Stafford* did say, he was of necessity to go into the Country at that time. And there he did write a letter to St. *Omers*, in which he did excuse himself about a young man that was to be sent to the Jesuits Colledge, whom he had taken care of another way. And he desired their excuse, but he would be as faithful to them as any body for all that. And the same hand that wrote that letter,

by all the comparing I could make in my thoughts, wrote all the other Letters that I saw at St. *Omers*, and in *Spain*. My Lords, I saw my Lord *Stafford* at Dr. *Perrotts*, I think verily it was in *June* or *July* (78.) it was before the rising of the Parliament, that sat that Summer, and my Lord *Stafford* was discoursing of a Son he was to send over to *Lisbon*, and he went over by the name of Sir *John Stafford*. And after this Discourse was over they fell into a Discourse of the Affairs in hand, and my Lord was mighty glad there was so good a Correspondence and Concord; though my Lords, it was not very great for the Jesuits have an irreconcileable Quarrel with the rest of the Clergy. But my Lord did hope that their fair Correspondence might tend highly to the advancing the Catholick Cause. But my Lords, I have one thing more to speak as to the Discourse at *Fenwicks* Chamber, speaking of the King, he said, He hath deceived us a great while, and we can bear no longer.

*Lord High Stew.* Who said so?

Dr. *Oats.* My Lord *Stafford*, the Gentleman at the Bar.

*Lord High Stew.* When was that? At Dr. *Perrotts*?

Dr. *Oats.* No, I speak of a passage at *Fenwick*'s, which I had forgot. My Lords, this is all I can remember at present.

M. *Foley.* My Lords, I desire he may give an Account what letters my Lord *Stafford* sent to *Fenwick* and *Ireland*, to pay money?

Dr. *Oats.* There was some money returned, but it was no great Sum, and it was about private business; Mr. *Morgan* was to receive it; I chanced to have the money in my own keeping; Mr. *Fenwick* gave it me to pay to Mr. *Morgan*, and the letter in which the Sum was mentioned did give them an Account (for it was out of *Staffordshire*) that he found things stand in a very good state there; but I being not within, Mr. *Morgan* called on Mr. *Fenwick* for the money, which I returned to him when he had paid it.

Lord *Stafford.* My Lords, I do in the first place desire to know where Mr. *Fenwick* lived.

*Lord High Stew.* Where did Mr. *Fenwick* live when you saw my Lord at his Chamber, and the Commission delivered?

Dr. *Oats.* His Lordship, I suppose, knows very well where he lived, he lived in *Drury-lane*.

Lord *Stafford.* I will submit to any thing, if I ever saw the man or heard of him till the Discovery of the Plot.

Dr. *Oats.* He came to him by the name of *Thompson*.

*Lord High Stew.* Your Lordship does not observe, your Lordship says that you never knew any *Fenwick*, but your Lordship knew one *Thompson*, and that *Thompson* was *Fenwick*.

Lord *Stafford.* I did know one *Thompson*, but that *Thompson* I knew, was an *English* Merchant in *Brussels*, and not a Jesuit.

Dr.

Dr. *Oats.* I can't ſay what my Lord knows, that he knew *Fenwick* to be a Jeſuit, but he knew one *Thompſon* that was *Fenwick*, the Jeſuit.

Lord *Stafford.* I never heard of the Name till this Plot.

Dr. *Oats.* But, if your Lordships pleaſe, I will give you a reaſon why I believe he knew him to be a Jeſuit, becauſe the Society was very often in their mouths in their Diſcourſes, which gives me a ground to believe he knew him to be what he was; but my Lord, he took his Commiſſion from him.

Lord *Stafford.* I deſire he may be asked———

L. *H. Stewaid.* Good my Lord raiſe your voice, for I am come half way to hear you.

Lord *Stafford.* Pray my Lords give me leave to ask him whether Dr. *Oats* hath not ſaid ſeveral times ſince I was firſt impriſoned, that he never ſaw me in his life. I think I was impriſoned the 21. of *October* (78.)

Dr. *Oats.* I never ſaid any ſuch thing.

Lord *Stafford.* I will willingly dye if ever I ſaw this Doctor in my life.

Dr. *Oats.* I excuſe my Lord for that, for I was in another habit, and I went by another Name, and your Lordships do remember I came in another habit to make the firſt Diſcovery.

Lord *Stafford.* My Lord, I never ſaw his face, nor know him, nor *Fenwick*, or *Thompſon*, otherwiſe than one *Thompſon*, a Merchant at *Bruſſels.*

Dr. *Oats.* But, my Lords, I have one thing more to ſay of my Lord *Stafford*; my Lord *Stafford* went into *France*, I can't ſay the year, but I believe it is within the term of 6 or 7. but he went over to *France*, and it did appear by letters from him, that Seignior *Con* was made choice of to heal the Difference between the Regulars and the Seculars, and Seignior *Con* did come over in the year (76.) and there did make a kind of a peace among them, which laſted whilſt *Con* ſtayed here, and *Con* did bring over Meſſages, to which my Lord *Stafford* (if he tells any truth in his own letter) did return anſwers.

Lord *Stafford.* For the preſent all I ſay to it is this, I never writ any one letter this 25 years, nor had any correſpondence with any Jeſuit.

*Lord High Steward.* I beſeech your Lordship make me capable of ſerving your Lordship, by letting me hear what you ſay.

Lord *Stafford.* My Lord, I have a great Cold, and can ſpeak no louder, I deſire to ask this Witneſs no more Queſtions at preſent; but I ſay I never writ any letters to any Prieſt this 25 years.

Mr *Foley.* Then, my Lords, if my Lord hath done, we will call another Witneſs, and that is Mr. *Edward Turbervile.* (*Who was ſworn.*)

*L. H. Steward.* Look upon the Priſoner. Do you know my Lord *Stafford.*

Mr. *Turbervile.* Yes, my Lord.

*L. H. Steward.* Raiſe your voice, and ſpeak deliberately.

Mr. *Treby.* Give an account of your knowledge, and uſe your own method.

Mr.

Mr. *Turbervile.* My Lords, in the year 1675. I was perſwaded by my Lady *Powis*, and one *Morgan* that was Confeſſor to the Family, to go to *Doway*, in order to take upon me the Fryars Habit. When I came there, inſtead of Religion, I found nothing but Hypocriſie and Villainy among them, and quickly grew weary of ſtaying there, and with much difficulty I eſcaped thence to go for *England*; when I came into *England*, I did not think that my Friends would look unkindly upon me, becauſe I refuſed to live in that way that they propoſed to me to live in. I uſed all the means I could to have them reconciled, and made applications to them, that ſince I could not bear with the life they would have had me lived in, they would contrive ſome way for me, being a younger Brother, that I might live in the world; but they were ſo averſe and inveterate againſt me, that they told me, inſtead of doing any thing for me, they would do me all the miſchief and prejudice they could; and having lived all my time among them, I thought the World would receive a Character of me from them who were my Relations, as they would pleaſe to repreſent it; ſo having no hopes in *England* I took a reſolution to go into *France*, where I had a Brother that was a Benedictine Monk, and I hoped that he being in good repute amongſt them, might be able to do me ſome ſervice there. When I came to *Paris*, my Brother uſed all the endeavours imaginable to get me to be of that Order; but I having ſo ill a conceit and opinion of the Order that I was in before, and thinking all the reſt were the ſame, I was unwilling at all to enter into it. And after I had ſtaid there a while I reſolved to come over into *England*. My Brother uſed all the means he could for my accommodation, and recommended me to this Noble Lord the Priſoner at the Bar, who lodged then at a corner houſe in a Street which, as I remember, bears the name of *La Rue de Beaufort*, where I was ſeveral times with him in order to come over with him in the Yaught for *England*. After I had been there for a fortnight with this Lord, he underſtanding my condition, by my Brother, and by the other Fathers of that Convent, and imagining I was a fit inſtrument to be employed on ſuch an occaſion, propos'd to me a way whereby, as he ſaid, I might not only retrieve my Reputation with my Relations, but alſo make my ſelf a very happy man; and after having exacted from me all the obligations of ſecreſie which I could give him, he at length told me in direct terms, it was to take away the life of the King of *England*, who was an Heretick, and conſequently a Rebel againſt God Almighty. I looked upon it as an extraordinary attempt, and deſired time to conſider of it before I would undertake it. And I gave him this anſwer, I would give him my reſolution at *Diep*, where we were to go on board for *England*. And when I came to take my leave of this Noble Lord at the Bar, he was ſitting upon a bench, and he was troubled with the Gout in his foot at that time. And he told me he had ſome buſineſs to go to *Verſailles*, and that he ſhould not be in ſix or ſeven days at *Diep*, where I was to wait for him. After a while I received a letter at *Diep* from his Lordſhip, wherein he writ word, That he had altered his reſolution,

and

and would go by the way of *Calice*, and that I should haſten to wait on his Lordship at *London*. I have one thing more to obſerve to your Lordships, when I got paſſage from *Diep*, in a Fiſher-boat for *England*, I never came neer my Lord *Stafford*, becauſe being not willing to undertake his propoſal, I thought my ſelf not ſafe, even from my own Relations, and therefore I made my applications to the Duke of *Monmouth*, and his Grace was pleaſed by letter to recommend me into the *French* ſervice, and by that means I avoided his Lordships further importunity.

*Lord High Steward.* You ſay my Lord did propoſe to you the Killing of the King; did he plainly make the propoſal in direct terms to kill the King?

Mr. *Turbervile.* Yes, he did, my Lord.

*Lord High Steward.* What did he offer you to do it?

Mr. *Turbervile.* Nothing, for I would not accept of it. I told him it was a matter of great concernment, and I ought to conſider of it, and I took time to think of it, and would give him my anſwer at *Diep*, which he came not to; and ſo there was an end of it.

*Lord High Steward.* What ingagements of ſecreſie had you given my Lord before he opened himſelf ſo plainly to you?

Mr. *Turbervile.* I gave my Lord my word and my promiſe that I would not diſcover it to any perſon directly nor indirectly; my Lord had nothing of an Oath from me.

*L. H. Steward.* Will you ask him any more Queſtions, Gentlemen?

Sir *Will. Jones.* No, my Lords.

*L. H. Steward.* Will your Lordship ask him any Queſtions, my Lord *Stafford*?

Lord *Stafford.* My Lord, I never ſaw the man before in my life. I will ask him one Queſtion ſince he hath been pleaſed to ſwear againſt me.

Mr. *Turbervile.* My Lords, I had no reaſon but the truth to do it, for I never received any injury from his Lordship in my life.

*L. Stafford.* It ſeems I had ill luck to chooſe this man for an attempt to Kill the King, who was ſuch a Coward he ran away from his Colours. and was to have been ſhot to death.

Mr. *Turbervile.* Ask the Duke of *Monmouth* what Character he received of me.

*L. Stafford.* He ſays in the year, (75.) he went from *London* to *Doway*, and ſtaid ſome time there, and then came back to *England*. I beſeech your Lordships to ask him what time he went back to *Paris*.

*L. H. Steward.* What time was it that you went back to *Paris*?

Mr. *Turbervile.* Truly, my Lord, I cannot be punctual to a fortnight, but I believe it was the beginning of *June*.

*L. H. Steward.* What year?

Mr. *Turbervile.* (75.)

*L. Stafford.*

Lord *Stafford*. My Lords, I would know who recommended him to me to go over with me into *England*.

*Lord High Steward*. Who recommended you to my Lord *Stafford* to go into *England?*

Mr. *Turbervile*. My Lords, it was Father *Sherborn* who was then Prior of the Benedictine Monks in *Paris*, and Father *Nelson* Sub-prior of those Monks, and my Brother who is a Monk in the same Convent.

*Lord High Steward*. He says, that there were three persons that recommended him to your Lordship.

Lord *Stafford*. I never saw them in my life.

Mr. *Turbervile*. Your Lordship that says I was a Coward, and run away from my Colours, will say any thing.

Lord *Stafford*. I not only say it, but will prove it by two Witnesses.

Mr. *Turbervile*. Do it if you can.

Lord *Stafford*. He says in the beginning of *June* (75.) he went into *France*. I desire to know of him when it was he spoke to me.

Mr. *Turbervile*. In *November* 75.

Lord *Stafford*. He says in *November*.

Mr. *Turbervile*. Yes, my Lord, about the beginning of *November*.

*L. Stafford*. I beseech your Lordship, where was it he spoke to me?

*L. H. Steward*. *Turbervile*, where was it you spoke to my Lord?

Mr. *Turbervile*. In *Paris*.

*L. Stafford*. Whereabouts in *Paris?*

Mr. *Turbervile*. It was the Corner-House of the Street, which Street faces *Luxenburgh* House, the Prince of *Conde* lodges on the right hand in that Street, I take it to be so, and you lodged at the Corner-House, I think the Name of the Street was *La Rue de Beaufort*.

*L. Stafford*. Which if the Prince of *Conde* did---- I will say no more.

Mr. *Turbervile*. I cannot be upon my Oath in such cases, but I think he does, I take it so.

*L. Stafford*. He says, he was with me a fortnight, what does he mean?

Mr. *Turbervile*. I came to my Lord several times in the space of a fortnight.

*L. Stafford*. I desire to know who brought him to me.

Mr. *Turbervile*. Father *Sherborn*, Father *Nelson*, and my Brother Father *Anthony Turbervile*; and sometimes I came alone.

*L. H. Steward*. He says, those three Fathers recommended him to your Lordship, and he came himself several times.

Mr. *Turbervile*. Yes, my Lords, it is true.

*L. Stafford*. I beseech your Lordships, did he come directly to my Chamber, or where?

Mr.

Mr. *Turbervile.* Sometimes to my Lords Chamber, and at other times *I* met him in a lower Room.

*L. Stafford.* It concerns me much, my Lords, and though they be foolish Questions, yet *I* hope your Lordships will pardon me if *I* ask them. Where was this Discourse about killing the King?

*L. H. Steward.* Was this Discourse in the Chamber, or in the lower Room?

Mr. *Turbervile.* In the lower Room.

*L. Stafford.* He says, *I* think, that he hath been in my Chamber.

*L. High Stew.* Have you been in my Lords Chamber as well as in the lower Room? Mr. *Turbervile.* Yes, my Lords, *I* have.

*L. Stafford.* What kind of Room is it?

Mr. *Turbervile.* *I* cannot remember that.

L. *Stafford.* No, *I* dare sware you can't.

Mr. *Turbervile.* *I* can't tell the particulars; what Stools and Chairs were in the Room.

*L. Stafford.* My Lords, *I* have no more to say to him at present.

*L. H. Stew.* Mr. *Turbervile,* How long have you been in *England?*

Mr. *Turbervile.* *I* cannot answer punctually; *I* have been in *England* near four years.

*L. H. Stew.* How came it to pass that you never discovered this sooner?

Mr. *Turbervile.* *I* had no Faith to believe that *I* should be safe if *I* did it, but my brains might be knocked out; and that kept me off from doing that service which *I* might be better able to do if *I* did defer it.

*L. H. Stew.* How came you to discover it now?

Mr. *Turbervile.* The Kings Proclamation, and some Friends that have perswaded me *I* may do it with safety; who will give your Lordships an account of it.

*L. Stafford.* *I* desire he may attend when *I* make my defence.

Mr. *Turbervile.* Yes, *I* shall. But *I* am sorry that his Lordship hath so ill a memory as to what passed between us. *I* shall be very unwilling to do his Lordship, or any body else, any injury, but *I* must tell the truth.

Sir *Will. Jones.* My Lords, We shall call no more Witnesses, unless my Lord, the Prisoner, give us an occasion. If he shall make any Objections to any of our Witnesses, *I* hope we shall have liberty to call Witnesses to support them; but we give over at present, and expect his Lordships Answer.

*L. Stafford.* May it please your Lorships, *I* beseech your Lordships, before *I* say any thing, that *I* may know if they have any more Witnesses to examine.

*Lord High Steward.* They say they will call no more Evidence unless your Lordships Answer do give them occasion to fortify their Witnesses you except against.

Lord *Stafford.* My Lords, it is now about two years that I have had the misfortune to be accuſed of this deteſtable Treaſon. I have been ſeveral times in thoſe two years a cloſe priſoner, that my Wife and Children were denyed to come neer me; and hardly a Servant permitted to ask how I did, but at the door of my Priſon. My Lords, This was a great and an heavy affliction to me; and, my Lords, it was ſo great an affliction to me, that truly I did not know how to bear it. 'Tis true, I had that comfort, that I did hope I ſhould ſoon come to my Tryal, and before your Lordships make my innocency appear. In order to which, I did all I could, having heard this Hall was provided for it; and I did expect in a very few days to clear my ſelf before your Lordships and all the World. When I had ſettled my mind, and did not foreſee any greater affliction that could befall me, I had on the ſudden by ſome of my friends a ſad Meſſage ſent me, That the Houſe of Commons had impeached me of High Treaſon. My Lords, I looked upon the Houſe of Commons then (as I do now) as the great Repreſentative Body of the Commons of *England*; and I confeſs, my Lords, to be accuſed by them was a load, eſpecially being added to what lay before upon me, more eſpecially to my weak Body, and weaker mind, that I was ſo afflicted with it, and have ſo continued, that I am ſcarce able to bear up under it. For I look upon the Houſe of Commons as the great and worthy Patriots of this Kingdom: I ever held them ſo, and I hold them ſo ſtill. My Lords, Theſe things being ſuch great afflictions to me, and ſome other accidents, which I ſhall not trouble your Lordships with the telling you of, have ſo much diſordered my ſenſe and reaſon (which before was little) that I ſcarce know how to clear my ſelf to your Lordships, as I ought to do; or which way to go about the doing of it: therefore I do with all humility beg your Lordships pardon if I ſay any thing that may give an offence, or urge that which may not be to the purpoſe: All which I deſire you would be pleaſed to attribute to the true Cauſe, my want of underſtanding, not of innocency, or a deſire to make it appear.

My Lords, Theſe Gentlemen the Managers of the Houſe of Commons, who are great and able men, ſome I am ſure, if not all of them, very well read, and have underſtanding in the Law, have ſet forth to your Lordships Treaſon in an horrid ſhape; but I confeſs, my Lords, if they had made it never ſo much worſe, it cannot be ſo horrid as I have often fancied it my ſelf: for my Lords, I do, and did ever hold Treaſon to be the greateſt ſin in the World, and I cannot uſe words enough to expreſs it, and therefore I hope you will give me leave to clear my ſelf of it, and I ſhall give you one Notion of it which I heard at your Lordships Bar ſome years ago, where you were pleaſed to here ſeveral people of ſeveral perſwaſions give you ſome reaſon

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why Liberty of Conſcience ſhould be allowed them. And I remember one of them, an Anabaptiſt, I think, did tell you, that they held Treaſon to be the ſin of Witchcraft, and ſo do I. And next to Treaſon I hold Murder to be the worſt ſin. But the Murder of the King, I looked upon to be ſo, above all others, that it is not to be expreſſed by words.

My Lords, I have heard very much of a thing that was named by theſe Gentlemen of the Houſe of Commons, and that very properly too, to wit, of the Gun-powder Treaſon. My Lords, I was not born then, but ſome years after I heard very much Diſcourſe of it, and very various Reports; and I made a particular inquiry, perhaps more than any one perſon did elſe, both of my Father who was alive then, and my Uncle and others; and I am ſatisfied, and do clearly believe, by the Evidence I have received, That that thing called the Gun-powder Treaſon, was a wicked and horrid Deſign (among the reſt) of ſome of the Jeſuits, and I think the malice of the Jeſuits, or the Wit of man, cannot offer an excuſe for it, it was ſo execrable a thing. Beſides, my Lords, I was acquainted with one of them that was concerned in it, who had his pardon, and lived many years after, I diſcourſed with him about it, and he confeſſed it, and ſaid, he was ſorry for it then; and I here declare to your Lordships, that I never heard any one of the Church of *Rome* ſpeak a good word of it: it was ſo horrid a thing that it cannot be expreſſed nor excuſed. And God Almighty ſhewed his Judgments upon them for their wickedneſs; for hardly any of the Perſons or their Poſterity are left that were concerned in it; and even a very great Family too, that had collaterally ſomething to do in it, is in the Male line extinct totally; and I do think God Almighty always ſhews his Judgments upon ſuch vile Actions. And I have been told, all thoſe perſons that were engaged in this wicked Act, were all heartily ſorry for it, and repented of it before they died, without which I am ſure there is no Salvation. And therefore I think it was not the Intereſt of Religion, but a private Intereſt put them upon it.

My Lords, As to the Doctrine of King-killing, and Abſolving perſons from their Allegiance, I cannot ſay the Church of *Rome* does not hold it, I never heard it did hold it, it may be it does, it may be not, I ſay not one thing or other, but my Lords, there was an Engliſh Colledge of Prieſts at *Rhemes*, that tranſlated the Bible, and printed it with Authority according to their Tranſlation, and in their Annotations upon the fourteenth Chapter of the Epiſtle to the *Romans*, they do declare their diſlike and deteſtation of that Opinion. They ſay all Subjects ought to obey their Kings as the Primitive Chriſtians did the Heathen Princes of the Empire; and the learned Doctors of the Colledge of *Sorbonne*, did upon an occaſion adminiſtred to them about that Opinion, declare the miſtakes that were in it, and owned

it to be a damnable Principle. My Lords, I have an Authentical Copy of that Decree of the Sorboniſts, whether it be here or no, I can't tell——— Yes, here it is, which does declare that, a damnable Poſition; and there is lately come out a Book, written by a Prieſt of the Church of *Rome*, tryed for his life for being in the Plot, but acquitted of that, in which he ſays, that that Opinion of killing Kings is damnable and herettical, and declared ſo by the Council of *Trent*.

My Lords, This gives me occaſion to believe that the Church of *Rome* holds it not. I do not ſay that it does not, but ſome particular perſons do abhor it which are great in that Church, and which weighs far with me; but that which further moſt of all confirms me in my ill Opinion of it, is the words of our Saviour, when not only he commands us to give unto *Cæſar* the things that are *Cæſars*, but aſſerts our Obedience to our Governours in many other paſſages of the Holy Scripture; and what I find there, the whole World is not able to alter my Opinion of.

I do aſſure your Lordships in the preſence of Almighty God, That I do extreamly admire when I hear of any thing like it, and I did read with great horror what I found the other day in the *Gazette*, of ſome imprudent people in *Scotland*, and of their wicked Principles and Practices.

My Lords, I do in the preſence of Almighty God, who knows and ſees all things, and of his Angels, which are continually about us, and of your Lordships who are my Peers and Judges, ſolemnly profeſs and declare, that I hate and deteſt any ſuch Opinion, as I do damnation to my ſelf. And I cannot be more deſirous of Salvation to my ſelf, than I am cordial in hating this Opinion.

My Lords, I know no perſon upon Earth, nor all the perſons in the world put together, nor all the Power they have, can in the leaſt abſolve me of my Allegiance. And I do acknowledge the King is my Soveraign, and I ought to obey him as far as the Law of the Land obliges any Subject of his to obey him; whether I have taken the Oath of Allegiance, I appeal to your Lordships to be my Witneſſes; and if I did not take it a thouſand times for my Allegiance to the King, if required, I think I ſhould deſerve a thouſand Deaths, and all the Torments in the world for refuſing it.

My Lords, Theſe Gentlemen here did begin their Charge, Serjeant *Maynard*, and Sir *Francis Winnington*, with telling your Lordships there was an horrid Deſign to murder the King, to alter the Government, and introduce the Popiſh Religon. This they ſay was ingaged in by the Roman Catholicks, that all the Church of *Rome* were the Contrivers of it; for they tell your Lordships, the whole Body hath been ingaged in it, and they have given you many Proofs by Witneſſes examined the firſt day, of a General Plot; what Credit you will give to them I leave to your Lordships in the end of the Caſe, but ſtill they ſaid it

was

was the Body of the Roman Catholicks in *England*, or the Papists, or what they call them, that were the Plotters in this Design. But I beseech your Lordships, how am I concerned in it? for I must say to your Lordships, they have not offered one proof that I am of that Religion. So that though any of you should have seen me at the Exercises of that Religion, or otherwise know it of your selves, yet if there be no Proof judicially before you, you are not to take notice of it. I have heard if a man be accused of a Crime, and be to be tryed, and no Evidence come in, if every man of the Jury were sure that the Fact was done, yet they must go upon the Evidence produced to them, and not upon their own knowledge. So then no Evidence being produced before your Lordships, about my being a Papist, you are not to take me for such an one. But, my Lords, if I were of that Church, and that were never so well proved too, I hope I have an advantage in it, that I have kept my self from being poysoned with so wicked a Principle, or ingaged with the rest in so ill a thing.

My Lords, I am here accused of having endeavoured to kill the King. I find by the Law, upon reading Sir *Edward Coke*, since my Imprisonment, That all Accusations of Treason ought to be accompanied with Circumstances antecedent, concomitant and subsequent; but I conceive, my Lords, there is no tittle of any such thing proved against me. The whole compass of my life from my infancy hath been clear otherwise. In the beginning of the late unhappy times, the late King of happy and glorious memory, did me the honour to make me a Peer; and thinking that my presence might rather prejudice him than serve him, my Wife and I settled at *Antwerp* when the War begun, where I might have lived, though obscurely, yet safely; but I was not satisfied in my Conscience to see my King in so much disorder, and I not endeavour to serve him what I could, to free him from his troubles. And I did come into *England*, and served his Majesty faithfully and loyally, as long as he lived. And some of your Lordships here, know, whether I did not wait upon the now King in his Exile, from which he was happily restored, which shews I had no ill intention then.

My Lords, I hope this I have said does shew, that my life hath given no countenance to this Accusation, but clear contrary to what these (I hope I may call them so, and doubt not to prove them so) perjured Villains say against me.

My Lords, After I had this misfortune to be thus accused, about a month or six weeks after, your Lordships were pleased to send two Members of this honourable Body to me. I do not see them at present here, to examine me about the Plot, (they were my Lord of *Bridgwater*, and my Lord of *Essex*) if they be here, I appeal to them what I did say. These two, after they had examined me told me, they did believe, and could almost assure me, That if I would confess my Fault, and let them know the particulars of it, your Lordships would intercede with the King for my Pardon; but I then, as I ought, asserted my own Innocency.

Innocency. Not long after, the King out of his Grace and Goodneſs to me, ſent ſix of the Council to the *Tower* to offer me, That though I was never ſo guilty, yet if I would confeſs, I ſhould have my Pardon. I did then conſider with my ſelf, I could not imagine what ground there was to believe your Lordships could have Evidence of what there was not, to bring me in Guilty; and thereupon I was ſo far from being able to make a Diſcovery, that I could not invent any thing that might ſave my life if I would.

My Lords, I was ſeven days in the Countrey after I heard of the Plot; if I had known my ſelf guilty, I ſhould ſurely have run away. As I came to *London*, when I was at *Lichfield* there met me two of my Lords; They told me, and ſo did a Gentleman of the Houſe of Commons, how much there was in the Plot, which if I had had an hand in it would certainly make me fly for it. I have ever heard when a man is accuſed or ſuſpected of a Crime, Flight is a great ſign of Guilt, and that it is often asked of the Jury, though there be no certain poſitive Evidence of the Fact, Whether a man fled or no? As that is a ſign of Guilt, ſo Remaining is a ſign of Innocency. If then after Notice, I come to Town, and ſuffer my ſelf to be taken, if after Impriſonment and Accuſation I refuſe my Pardon, and yet had been Guilty, I ought to die for my Folly as well as my Crime.

My Lords, 'tis a great Offence to commit Treaſon, and a great Addition to continue obſtinate, when upon Acknowledgment a man can ſave his life; nay, my Lords, if I ſhould have refuſed theſe Offers, and yet known my ſelf Guilty, I had at the ſame time been guilty of one of the greateſt Sins in the world, as being the cauſe of my own Death. And as I hold, next to Treaſon, Murder the greateſt ſin, ſo I hold of all Murders Self-murder to be the greateſt: nay, I do not think any man living can pardon that Sin of Murder. And I do profeſs to your Lordships in the preſence of Almighty God, that if I could immediately, by the Death of this impudent Fellow *Dugdale*, who hath done me ſo much wrong, make my ſelf the greateſt man in the world, that is or ever was; I profeſs before God I would not; I cannot ſay my Charity is ſo great, but that I ſhould be glad to ſee him ſuffer thoſe Punishments the Law can inflict upon him for his Crimes, but his Death I would not have. Blood is ſo great a Crime, and I know every man is careful of giving his Voice in the Caſe of Blood, I ſhould be very cautious my ſelf; and if I were a Judge I would rather ſave twenty Guilty, than condemn one Innocent. I bleſs God I have not the leaſt deſire of the Death of any man, and would not for all the world have the innocent Blood of all the word lye upon me.

I beg your Lordships pardon that I have troubled you thus long: I ſhall now as well as I can, apply my ſelf to my particular Defence. I do, my Lords before I can go on to it, deſire I may have ſuch Depoſitions as have been taken againſt

againſt me; and the liberty to look on your Journal Book, when I have occaſion. I do particularly deſire the Depoſitions of *Oats*, upon which I was committed, by my Lord Chief Juſtice; the two Depoſitions of *Stephen Dugdale*, taken at *Stafford* before two Juſtices of the Peace, Mr. *Lane* and Mr. *Vernon*; I deſire the Depoſitions taken before, I think it was Mr. *Warcup* and Sir *William Poultney*, or ſome other two Juſtices. which was made by *Turberville*, and then I ſhall compare their Teſtimonies together: And I hope ſhall give you a clear account that they are perjured perſons. How without theſe to go on to my juſt Defence I cannot well tell.

*Lord High Steward.* What do you ſay to it, Gentlemen, you hear what my Lord prays?

Sir *Franc. Winnington.* The Witneſſes are here, and have been heard *viva voce.* As we cannot uſe any of the Depoſitions of which he ſpeaks, ſo no more can they be uſed by him.

*Lord High Steward.* If I underſtand my Lord aright, this is the thing he deſires, ſays he, You have brought Witneſſes againſt me *viva voce*, they have been examined here, and they have been examined elſewhere, and their Depoſitions are upon Record, I deſire to confront what they have ſaid here, with what they have ſaid contrary in other places.

Mr. Serj. *Maynard*, If there be any thing expreſſed by my Lord, wherein they have contradicted themſelves, and produce that Depoſition, he may do that; but to deſire to have all the Depoſitions that have been made by our Witneſſes is a ſtrange requeſt. When there is occaſion to uſe them upon any particular point, he may produce them if he can.

*Lord High Steward.* Can you object why my Lord ſhould not have Copies of any thing that is upon the Journal, and Depoſitions that are ſworn before a Magiſtrate which may be of uſe to him?

Sir *William Jones.* My Lords, We do not object againſt it; but, my Lords, I think it is out of time to deſire it. What was ſworn, and is entred in your Lordſhips Journal, was ſworn above two years ſince. My Lord, or any man elſe might repair to them, they are matters of Record, and for ought we know were never denyed to any, eſpecially if they deſired it in the Houſe; but after two years time, and after three weeks time given to prepare for this Tryal, when my Lord could not but know what Witneſſes would be examined before your Lordſhips, for him to come now and deſire ſuch and ſuch Depoſitions may be produced, which if by Law he might be allowed to do, he might have done before, is to no other purpoſe, under favour, but to gain time, and to cauſe our Evidence to be forgotten. And therefore we muſt humbly pray it may not be admitted: My Lords, I think it is an unuſual thing, My Lords the Judges are neer your Lordſhips, I ſuppoſe they will inform your Lordſhips. If a man be tryed at the Aſſizes, for him

him to desire a Coppy of the Informations remaining in Court, by which he may except against the Witnesses, is what the Court does not use to grant: But if your Lordships proceedings vary from the common proceedings of other Courts, then I resort to what I said before. Whether your Lordships will think this a proper time when he might have had it in the Parliament that was first Dissolved, and then in the Parliament that was last Dissolved. Now to desire those Copies at this time, is to put off the Cause, for that which perhaps he cannot be furnished with in a day or two.

Sir *Fr. VVin.* I would add but one word, if your Lordships please to give me leave. My Lords, you have the Learned Judges near you, who will inform you Whether ever, when a man was accused of a Capital Offence, and the Evidence against him had been fully heard, by the Court and by himself, he was admitted to require from the Prosecutors, the Copies of Examinations formerly taken before other Persons? Does my Lord intend to have time to peruse those Examinations, and to have the Copies of them, that he may consult in private with his Counsel to find out Exceptions, and with his Witnesses to make them good? My Lords, I must say that in my short Experience (and I have attended a considerable time upon the greatest Court for Trial of Offenders) I never heard such a thing asked by a Prisoner, either at the Bar of the Kings Bench, or at the Assizes. I speak with all the tenderness imaginable, because we are in a matter of Blood, and God-forbid but the Lord at the Bar should have true and equal Justice done him. But if I take my Lord right, this seems but an Artifice to delay the Trial, of which it is our duty to be very cautious. Indeed I have seen the Judges, upon trial of a Criminal, call for the Depositions, or Informations from the Clerk, or the Justice of the Peace who took them, and caused them to be read; but for a Prisoner to call for Examinations at the Bar from the Prosecutors, *Et ex Debita Justitia*, to demand them, is a thing, which as it never has been, so I think will not be admitted at this time, especially when we are now almost at the end of the Cause, and with all Modesty and Submission to your Lordships, I look upon it as a very strange and unreasonable Demand.

*L. H. Steward.* My Lord *Stafford*, What is the reason your Lordship had not, all this while, Copies of the Journal, which is that you now ask?

*L. Stafford.* I shall not undertake that I am able to give your Lordships a reason for it, because I think wherein I have been mistaken as to point of Time; your Lordships will not tie me up to that. But this Gentleman that spoke last is not acquainted with me, and does not know me; for I have no desire to go back, or to put off this Trial: But if it cannot be done to Day, I am as guilty to Morrow as I am to Day; and I desire no more than what he says hath been done in the like Cases. I do desire, my Lord, the Informations and Depositions of *Dugdale*, *Oates*, and *Turberville*, may be produced and read, and I will make

Observations

Observations upon them in my Defence. I desire those Affidavits may be brought.

*L. H. Stew.* Affidavits taken, When, and where?

*L. Stafford.* Of Dr. *Oats*, that was read in your Lordships House, I heard it.

*L. H. Stew.* Let us understand your Lordships demands, that when my Lords are withdrawn, I may know what Questions to put to them, and acquaint them with your desires: The one is the Journal of the Lords House, which is always before their Lordships, and you might have had Copies long since. The next thing you ask is an Affidavit of *Dugdale*, if this Affidavit is entred into the Journal, that supplies your Demands, if it be not entred there, where shall we find it?

*L. Stafford.* I do not know.

*L. H. Stew.* Does your Lordship think all this matter must stay till we can find a loose Affidavit, that we know not where 'tis filed?

*L. Stafford.* I know it was before the Council, and I believe my Accusers have it; I desire the Gentlemen of the House of Commons may produce it.

Sir *John Trevor.* I have seen none, nor have none.

*L. Stafford.* The one was taken the 24. of *December* this time two year, and the other the 29.

*L. H. Stew.* My Lord, will your Lordship give me leave to tell you, you ought to be provided with some particular exception, and not to make your demand in general. If your Lordship will say *Dugdale* did swear such and such things, which are contrary to what he now affirms, we know what to make of it; but to hunt after an Affidavit, that we know not where to find, to pick something out of it, that I do not understand.

*L. Stafford*, I appeal to my Lord of *Essex*, and my Lord *Bridgewater*, whether they did not examine me the first time upon one or two Affidavits of *Dugdale*.

*L. H. Stew.* Suppose it be not to be found my Lord?

*L. Stafford.* Then I must have patience and submit.

*L. H. Stew.* Can you tell wherein he swore quite blank contrary to what he swears now?

*L. Stafford.* My Lord, I conceive it was never denied before, but your Lordships may do what you please.

*L. H. Stew.* Well, my Lord, let us go on to the next. The Affidavits of *Dugdale*, if they be entred on the Journal, may be ready, if not, then I shall acquaint their Lordships, and they will direct what is fit in the case.

*L. Stafford.* Then there is the Affidavit of *Oats* before my Lord Chief Justice, upon which I was committed; the next day, which was Friday, it was read in your Lordships House.

*L. H. Stew.* I believe that is entred upon the Journal, and so will be ready to be used.

*L. Staff.* I do hope to make it evidently appear thereby that he is forsworn. I desire two *Affidavits* more that were taken before the Justices of the Peace of *Middlesex*, who examined Mr. *Turbervile* twice.

*L. H. Stew.* What Justice of the Peace?

*L. Staff.* Mr. *Warcupp*, Sir *William Poultney*, and Sir *Thomas Stringer*. I desire I may not be misunderstood, I do not desire to have them to instruct my Counsel, or advise with them upon them, but I cannot make my Defence without them.

*L. H. Stew.* Those are voluntary extrajudicial *Affidavits*, that no body is bound to keep.

*L. Staff.* They were spoken of in the Votes of the House of Commons.

*L. H. Steward.* What say you Gentlemen to it?

Sir *Fran. Winn.* My Lords, because my Lord at the Bar is pleased to insinuate, as if we knew where those *Affidavits* are which he seems to desire, and because your Lordship was pleased to say that the Commons in Parliament are the Grand-Jury of the Kingdom, I desire to say one thing; That certainly it will not be required from us to produce and publish the several Facts and Circumstances that induced us to impeach him, if it shall be demanded by the Prisoner at the Bar.

*L. H. Steward.* I wish you would answer the Question, and not argue upon it, whether those *Affidavits* of *Turbervile* may not be produced; for 'tis my Lords Exception against your Witnesses, that he swears several ways; and by those *Affidavits* of *Turbervile*, he intends to disprove him in what he hath said to day.

Sir *Fr. Win.* My Lords, the House of Commons never administer an Oath, and therefore it is not to be said to us, but my Lord *Stafford* must go to the particular Offices where they are to be found.

*L. H. Stew.* I do not ask you where my Lord should find them, but whether, if they can be found, you can object any thing why they should not be produced and read.

*Mr. Serj. Maynard.* When they are produced we will give an Answer.

*L. Stafford.* My Lords, I am informed this is the substance of the *Affidavit*, That *Turbervile* did swear before two Justices of the Peace, whether they be of the House of Commons, or no, I cann't tell, that he spoke with me at *Doway*, and in *Paris*, in the years (73.) and (77.) and now he says (72.) and 75.) I am informed, my Lords, and I appeal to the House of Commons, they are all Persons of Honour and Worth (if my Information be mistaken I beg their Pardon, and yours for't) whether he did not mend it after he had sworn it.

*L. H. Stew.* Are these all you do demand?

*L. Stafford.* Yes, my Lords. Whether this was true or no, I don't know, it is what I have been told, I appeal to the House of Commons (who are all worthy

thy persons, I do not believe I have an Enemy among them) they know whether I speak true or no.

*L. H. Stew.* When will your Lordship be ready to make your Defence?

*L. Stafford.* As soon as ever I have them, I will not stay a minute, a moment, an instant, I desire not to shew my Counsel, nor any one; for my Tryal is a thing that I have long desired. Therefore I would not be mistaken, as if *I* would put off the Cause. I am innocent, and shall be so while I live, and hope I shall make it appear so. I beg if this be a matter of Law, whether I may have them or not, that my Counsel be heard to it.

*L. H. Stew.* This is a matter of Fact.

*L. Stafford,* I insist upon it as things without which I cannot make my Defence; I am innocent, and I suppose not one of the House of Commons, nor one of your Lordships, will debar me of that by which I may make my Innocency appear.

*Lord High Steward.* You cannot know my Lords pleasure till they are withdrawn.

Sir *William Jones.* Before your Lordships withdraw, I hope you will please to hear us a few words, which we think may be for the Service of this Court. My Lords, what Evidence is before your Lordships, 'tis in your Lordships pleasure what of that you shall please to communicate to my Lord *Stafford*; but for this Evidence he speaks of as remaining in our hands, and which he takes upon himself to appeal to us for, admits of another consideration. My Lords, if we were conscious of any thing in these *Affidavits* that were for my Lords Advantage, and knew where they were, we would redily produce them; but for my self, I must answer, and I think my Companions will say so too, that we do not know where these *Affidavits* are, nor of any Variation in those *Affidavits* from what is now sworn, but whatever they were, they were taken for the Information of the House of Commons, who are the Prosecutors in this Cause, and who are no Judges. Now if my Lord will bring any Witness that will say this Witness of ours did before a Justice of Peace depose so and so, and says the contrary now, there might be then just reasons to look after these *Affidavits* and to have them produced, but upon a bare imagination that there is a Variance where in truth there is none, and the Truth may otherwise be known; to desire that these *Affidavits* that never were before you should be produced, whether such a Suggestion is to be admitted, I humbly submit it to your Lordships Consideration.

*L. Stafford.* My Lords, if these Gentlemen that are the Managers for the House of Commons will aver to your Lordships, that there is no Variation in them, I will submit to them and be quiet; if they will say it was not debated in the House, whether he should amend or no.

*L. H. Stew.* Look you, he puts it upon you so far Gentlemen, that if you will

take it upon you to aver that there is no Variation between those Affidavits upon which you grounded your Impeachment, and the Evidence you have given upon the Trial of your Impeachment, he will not give you the trouble.

*L. Stafford.* I beseech you let me say one word, my Lords, I have been thus long a Prisoner, I was as far from being proceeded against now, as any of the rest of the Lords in the *Tower*, till *Turbervile* came in with his Discovery, and I believe I am now called the sooner (which I am glad of, and I give the Gentlemen thanks for it) upon the Affidavit of *Turbervile*, I desire that Affidavit; and though it be true the House of Commons give no Oath, yet they appointed two Members of the House that were Justices of the Peace of *Middlesex* to take it upon Oath, and he desired the next day to amend it; and I put my self upon them, whether this be not true.

*L. H. Stew.* What say you, Sir, to it?

Sir *W. Jones.* My Lord, I cannot answer, because I don't hear.

*L. Stafford.* My Lord, I say this, I do observe that Mr. *Turbervile* (whose face I never saw in my life, that I know of, till to day, nor never spoke a word to him, and I shall prove that no Servant that ever I had see him) did depose (for the purpose) to day, that he was in the Years (73.) and (76.) in such and such places, and that he did speak with me at *Doway* and *Paris*, and to Morrow recollecting his Notes, he found he was mistaken in his Affidavit that he had made before, and desired to mend it, and brought it to the Years (72.) and (75.) there was some Debate in the House about it, whether they should permit him to mend it; I appeal to all the Gentlemen, whether it were not so.

*L. H. Stew.* Your labour is to have two Affidavits that you do presume will do your business in order to the finding out a variety of time of his being at *Doway* or at *Paris*: That which does press your Lordship we know in *Turbervile's* Evidence, is, That at *Paris* in the Room below of your Lodging, you encouraged him to kill the King, and you were to have met him at *Diep* to know his mind, but you came not, and he went away; if you have it in the Affidavit quite contrary to this, you say somewhat.

*L. Staff.* My Lords, I beseech you, it presses me, and every man in *England*, not to be run down by a Fellow that forswears himself; for him to swear one thing to day, and another thing to morrow, is Perjury.

*L. H. Stew.* What say you to it Gentlemen?

Sir *W. Jones.* What was done in the House of Commons, it does not become any of us that are Members to disclose: But I have heard, and will admit it, that in the Depositions, the Witness made before a Justice of Peace, there was a year put down, which he going home, and upon sight of Letters and Papers, found it to be mistaken, he comes the next day and desires to alter it, if this be for my Lords Service, we shall grant it.

Mr.

Mr. Serj. *Maynard.* 'Tis on or about too.

*L. H. Stew.* What ſay you my Lord now?

*L. Staff.* I do ſay, my Lord, I am informed by what I have heard curſorily; for I have not ſeen one of the Houſe of Commons before the day of my Tryal, that though in his ſecond Depoſition he named the years (72.) and (75.) yet I can prove him perjured as to what he hath ſworn here to day.

*L. H. Stew.* Since 'tis inſiſted upon Gentlemen, that there is a Variety in the laſt Depoſition from what he ſwore at firſt, what can you ſay why he ſhould not have the avail of his Exception?

Sir *Will. Jones.* My Lords, whether your Lordships will think fit to conſider by what ways and means the Houſe of Commons informed themſelves, in order to Impeachments, I ſubmit to you; and for thoſe things that ſtill remain in the hands of the Commons, I ſuppoſe you will be pleaſed to conſider how you can ſend for them to inform you. We would not be miſtaken in the matter; let not any one that hears us think that we are conſcious there is the leaſt Variation, nay we are confident, if the thing were produced, it would turn to my Lords prejudice; but what is done in this Caſe, may be a Preſident for the future; and therefore we cannot without reſorting to the Houſe, conſent to deliver any thing the Houſe took for their Information. Therefore if your Lordships ſtand upon it, and incline to have it done, we muſt reſort to the Houſe to ask their leave whether we ſhall do it or no.

*L. H. Stew.* I cannot tell what my Lords will incline to do; but I deſire when you are gone back, you will conſider how far it will make the matter eaſie to my Lord.

Sir *Will. Jones.* My Lords, we can give no Anſwer to that till we have attended our Houſe.

Mr. Serj. *Maynard.* I deſire your Lordships to conſider what a piece of cunning he hath put upon both Houſes, to paſs by his villifying our Witneſſes, which I may ſay was not comely. But if he makes any Queſtion, it muſt be put to the Houſes upon ſuppoſition to be a Queſtion, and ſo he would bring things only to this iſſue to put off the Cauſe for to day. He ought to put that which might probably be ſomething of a Queſtion. Let him inſtance in particulars, and make out his Evidence, not feign things to put off the Cauſe; for ought I ſee 'tis to no other end, and 'tis a Jeſuitical trick I think.

*L. Stafford.* I feign nothing, I have been told this that I ſpeak here, and I deſire it may be proved.

*Lord High Steward.* If you are bound up ſo that you cannot conſent, I can't help it.

Mr. Serj. *Maynard.* Let him put the Fact, my Lords, and not ſuppoſe, and imagine Things, and then raiſe Queſtions.

*L. H. Stew.* It is uſual in theſe Caſes for the Gentlemen of the Houſe of Commons

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Commons to ſtay till the Lords are withdrawn, and expect their Lordships Reſolution; perhaps they may ſo order it that you need not go back.

Sir *Will. Jones.* I deſire before your Lordships withdraw, that it may be taken notice of by your Lordships, that for the matter of the variation of the year we do admit it. My Lord is not pleaſed to mention any other particular matter of the *Affidavit*, but only ſays in general that it is contrary to what he ſays to day; if my Lord would tell us wherein, perhaps we should admit it, or anſwer it, or take it into further conſideration; but to make ſo general an Allegation, and give your Lordships no particular account, we ſubmit whether ſuch a ſuggeſtion ought to be regarded.

*Lord High Steward.* Is there any further variation, beſides the variation of the year?

*L. Staff.* I cannot ſay there is my Lord, I do not know it; but I do really believe in my Conſcience there is, from what I have heard; but however I inſiſt upon it, and demand your Judgment.

Sir *Fr. Win.* My Lords, I humbly deſire one word as to the Objection that hath been made, that he hath prayed your Lordships to grant him the ſight of ſuch and ſuch Papers. The nature of this Cauſe, my Lords, we know is ſuch, that there was never the like number of Papers known, as to the General Plot; and my Lord, that is the Priſoner at the Bar, may as well demand to morrow ſuch a particular Paper, and the next day another, that he hath heard of in the General Plot; and where will the end of this be? So that if the thing be granted upon the variation of the time that it was immediately rectifyed, and he cannot produce any grounds that may ſatisfie your Lordships why he should have that Paper, you may as well ſuffer him to demand any other Paper after, and ſo never end the Cauſe.

*L. H. Stew.* Your Lordship hath been told, and you shall find it, that you shall have as fair and equal an Hearing as is poſſible, and nothing shall be denied you that is juſt and reaſonable to ſafe your Life, or make your Defence. But pray, my Lord, for ſo much as is upon the Journal, which you may reſort unto, you may eaſily know what anſwer my Lords will give to that; but for this other thing, if it be only the variety you alledge of the Time and the Year, and you do deſire it to look for other Exceptions, and you pray the help of the Lords to ſee ſuch a Paper, that you might make inquiry after other varieties, Do you think they are to help you to find out Exceptions to the Witneſſes?

*L. Stafford.* I do not deſire their Lordships to help me to find out Exceptions; but I have told your Lordships of one Exception to the *Affidavit* which theſe Gentlemen acknowledge to be true, and the other *Affidavit* is, that he Swears I ſpoke to him at *Doway* in the year (72) or (73) which I can diſprove; and then I ſay he Swearing ſeveral things falſe, he is no credible Witneſs.

*L. H. Stew.* 'Tis admitted to your Lordship that he did miſtake the time.

*L. Staff.*

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*L. Stafford.* It is admitted that he said he spoke to me at *Douay*.

*L. H. Stew.* How very an easie matter were it to expedite this Process, by allowing the Prisoner his demand in this particular.

Sir *Will. Jones.* I never saw it, and a great many of the Managers say they never saw it.

*L. Stafford.* These Gentlemen say I did it to put off the Cause, I am far from it: for though I am in a condition very unfit to manage my Defence, faint and weak with speaking so long, and hardly able to speak any more, yet I desire to finish this night, and if I see it now, it will be enough, I shall not desire to have a Copy to advise with my Counsel, or any body else.

*L. H. Stew.* Pray Gentlemen of the House of Commons will you observe, my Lord, as weary as he is, would make an end of the matter presently, if you would but send for the *Affidavit*,

Mr. *Foley.* My Lords, it is not in our hands here, if the House of Commons will order it, it may be done, we cannot order it of our selves.

Mr. *Powle.* My Lords, this is a Paper that does properly belong to the House, and I do think, that none of us here that are Managers for this Trial, will undertake it shall be delivered without resorting to the House for their Opinion; for though I do verily beleive, and am fully perswaded, that what this Noble Lord at the Bar does object, will not appear to be so; For I think there is not any thing of my Lord *Stafford*'s speaking with this Witness at *Doway* mentioned therein; yet how far the Presidents of this may reach in other Cases, I think, is worthy the Consideration of the House. And we cannot presume to offer any thing in it to your Lordships, until you be pleased to give us leave to go and resort thither.

*Then the Lords withdrew, and after an Hours and an Halfs space returned, and Proclamation was made for Silence.*

*L. H. Steward.* My Lord Viscount *Safford*, my Lords have considered of the Demands you made; and my Lords, upon the Debate of the Reasons of your Demands, are come to this Resolution. Your Lordship did demand in the first place, that you might have a sight of the Journal, and have the Papers lodged in the House of Peers: My Lords take notice that this Demand which your Lordship now makes, is a Demand that was granted you long ago, about two years since; you have an Order entred upon the Books, that your Lordship should have Copies of every thing in that House, and if your Lordship have not taken out Copies, and if any thing is missing to your Lordship that is yet there extant, 'tis your Lordships fault. However, my Lords will command their Journals to be brought hither, that your Lordship may make that use of them that may be of most profit to you. For the other

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Demand touching the Affidavit ſuppoſed to be taken from *Turbervile* by the Juſtices of the Peace, that my Lords upon Conſideration had, do find that there is no Obligation at all upon them as a Court, to concern themſelves in that Matter. And therefore my Lords have made no Order in that Point, but your Lordſhip muſt come provided as well as you can, and the Court can do no more to help you in it. For the reſt, my Lords did take notice that your Lordſhip ſaid before they were withdrawn, That you found your ſelf very Faint and Weary, and that you were much ſpent in Diſcourſe, and Tired with what already you have done. My Lords are extreamly willing to give your Lordſhip all the Favour and Accommodation poſſible, for the Recollecting your ſelf, therefore my Lords will not now put you upon it, to go on to make your Defence, but will give you time till to Morrow.

*L. Stafford.* I humbly give your Lordſhips thanks for your kindneſs and Favour to me; but here I proteſs, and call Almighty God to witneſs, rather than I would have it thought I am willing to put it off, I would have ſunk down Dead at the Bar. But, my Lords, there was another Demand that I made: Your Lordſhips ſay, I ſhall have Copies of all the Journals, and that you cannot help me to the Affidavit of *Turbervile*, I ſubmit to it without ſaying one word more; but I deſire that I may have brought hither to Morrow the Journals, and other Papers in the Lords Houſe, but I deſire alſo the two Affidavits of *Dugdale*, taken the one the 24. the other the 29. of *December* following, which Depoſitions were taken before Mr. *Lane*, and Mr. *Vernon*, in *Stafford* Town, when *Dugdale* was in Priſon.

*L. H. Stew.* Look you my Lord, This is all under the ſame Rule: What Evidence ſoever there is before the Court of Peers, that you ſhall have; whatſoever Evidence is not in that Court, you ought to come provided of; the Court is not to ſtay, nor to help you to Evidence.

*L. Staff.* My Lord, I beg your pardon, *Dugdale* made an Affidavit then, and ſays the clean contrary now; I deſire nothing but Juſtice, and I am ſure I ſhall have all Juſtice from your Lordſhips.

*L. H. Stew.* Produce it, and alledge what you will for your ſelf, it ſhall be heard.

*L. Staff.* How then ſhall I be able to make my Defence, if I have not thoſe Papers, which I humbly concieve by the Law, ought to be brought? Theſe Gentlemen of the Houſe of Commons ſay, That I could not have *Turbervile's* Affidavit becauſe it was in the Houſe, and they could not give it without conſent of the Houſe, but this was examined before a Juſtice of Peace, and returned to the Council: Sure I ſhall have that? I was examined by my Lord of *Eſſex*, and my Lord of *Bridgewater*, upon that Affidavit twice I think, therefore that is material and neceſſary; and I know your Lordſhips would not have me come to defend my ſelf without Weapons.

*L. H.*

*L. H. Stew.* My Lord *Stafford*, I do beſeech your Lordship to be a little better informed in your own Buſineſs. You have leave to make uſe of the Journal, and all Papers that are entred there; the Clerks ſay, *Dugdale*'s Oath is entred there.

*L. Stafford.* Is the 24. of *December* there?

*Clerk.* It is there.

*L. H. Stew.* Pray, my Lord, do not put the Court upon Interrogatories, but come provided as well as you can.

*L. Stafford.* If it be entred on the Journal Book, I deſire not the Original, I am very well ſatisfied.

*L. H. Stew.* Will you be ready to go on to morrow, my Lord?

*L. Stafford.* I will withall my heart.

*L. H. Stew.* 'Tis too late Gentlemen to go on to Night, we muſt Adjourn till to Morrow.

Lord *Stafford.* My Lords, I had ſo much to write laſt Night, that I had very little ſleep; I deſire I may not come till Ten.

*L. H. Stew.* My Lord, I am not able to hear you, I take as much pains to come near you as I can.

*L. Stafford.* I had a great deal to write laſt Night, I ſay, and I want ſome ſleep; I deſire I may not come till Ten.

*L. H. Stew.* Will you be ready by Ten a Clock to Morrow?

*L. Stafford* I will be ready by Ten.

*L. H. Stew.* I will move my Lords when they are withdrawn, to Adjourn till Ten to Morrow. But my Lord *Stafford*, I do not know how your Lordship is provided, or how you look after your own Buſineſs. If you have not had Copies of the Journal all this while, 'tis you are in the fault. A great deal of it is in Print, you may ſend your Solicitor to the Clerk of the Parliament, and take Copies of what you have need of. I give you notice of it, that if you come unprovided, you may know it is your own fault.

*L. Stafford.* I do acknowledge I have Copies of the Journal Book, I think of all; but I do not find any thing of *Dugdale*'s ſecond Depoſition there.

*L. H. Stew.* Here is that of the 24. of *December*, that you ask after, ſend your Solicitor and then you ſhall have a Copy out of the Journal of it.

*L. Stafford.* I aſſure your Lordship I will be ready to morrow, if I can get thoſe Copies.

*Lord High Steward.* My Lords will give you as much Eaſe, and all the Accommodations that are fit.

*L. Stafford.* Then to morrow I will be ready by Ten a Clock, if your Lordships pleaſe, only I would deſire your Lordships to take notice, that theſe Gentlemen of the Houſe of Commons do acknowledge that *Turberville* ſwore one day to one year, and the next day to another.

*L. H. Stew.* My Lord *Stafford*, you say you can be ready to morrow at Ten a Clock, Are you sure you can be ready then?

*L. Stafford.* I say, my Lords, this, I shall not be so ready as I shall be next day; but I assure your Lordships, I will rather sink down in the place where I am, if you think fit, than put off the Tryal.

*L. H. Stew.* Look you Gentlemen of the House of Commons, in a Case of this consequence, and of this Vital Importance to a Man as this is, where is the inconvenience if there should be a days respite, and the Court should Adjourn till Friday, if my Lords be moved in it, I make no direction, but what inconvenience will be in it? Will it not be every way as well?

Sir *Will. Jones.* My Lords, your Lordships does not expect from us to give our consent to put off the Tryal.

*L. H. Stew.* I ask only what inconvenience it is?

Sir *Will. Jones.* Your Lordships are the Judges, and will do as you find it reasonable; but this I say, it is very unusual, and scarce to be Presidented, that when the Prosecutors have given an Evidence, the Prisoner should have time, a further considerable time, to give his Answer to it; the Prisoner knows before-hand the general Scope and Drift of the Evidence; therefore for him to have time till to morrow is a favour; but to have more than that, even a whole day to intervene, is very unusual.

*L. H. Stew.* If that be all, and the matter depend upon what is usual, I do venture with my Lords leave, to inform you, that my Lord of *Strafford* had two days time after the Prosecution to give his Answer to what was said against him.

Sir *William Jones.* That was an Evidence upon Twenty Eight Articles, this but upon Two Heads; and that was after a long Examination of many days.

*L. Stafford.* My Lords I had prepared my self for my Tryal as well as I could, and had written down a few things that I intended to say; and I profess before God as I am a Man, and as I am a Christian, of all I intended to say I have in a manner made use of very few words; but as to what I had to say upon the Evidence I was forced to lay all aside, because I wanted these Papers; I have not eaten to day, and being forced to lay aside all that I had written, I shall need a whole day to write; however I submit my self to your Lordships in that matter.

*Lord High Steward.* My Lord, if it be equal to your Lordship, and your Lordship will be as ready to morrow as another day, this Court will be more ready.

*L. Stafford.* I assure your Lordships, if your Lordships do give me another day, I will not debate with my Counsel any one thing upon the Papers I have asked.

*Lord High Steward.* Pray, my Lord, will you be pleased to make your demand to my Lords, who are your Judges, by what time you will be content to be foreclosed.

*L. Staff.*

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Lord *Stafford*. My Lords, if you will give me till Friday, I shall be ready to give my Evidence, and I will bring Witneſſes ſufficient I hope to prove my Innocency.

Sir *Will. Jones*. My Lords, we do not preſume at all to offer our conſent to what time the Court ſhall be Adjourned———

*L. H. Stew.* No, we do not ask your Conſent.

Sir *Will. Jones*. And I hope your Lordships will not ask the Priſoners conſent, nor do it by his direction.

*L. H. Stew. De morte hominis non eſt cunctatio longa.*

Sir *Will. Jones*. But we muſt deſire your Lordships, as we are entruſted by the Houſe of Commons, to Manage this Tryal, to take notice, that as we do not expect your Lordships ſhould take the Meaſures from our Deſires, much leſs do we expect you ſhould do it at the only inſtance of the Priſoner. 'Tis a great advantage to this Lord to chooſe his own time when he will pleaſe to anſwer our Evidence. We do know very well, that in this Caſe there have been Attempts to Suborn Witneſſes, and that we ſhall prove in due time, and Attempts to deſtroy Witneſſes too; So that there hath been too much time loſt already, and I think to morrow is a very convenient time for him to make his Anſwer. And I muſt obſerve to your Lordships, that the Priſoner hath gained his end of not making his Anſwer this day by raiſing an Objection, which in my Thoughts carried no great weight in it, though when it was made, your Lordships were pleaſed to Adjourn upon it: But ſeeing he hath got his Point of deferring the making Anſwer till to morrow, there can be no reaſon he ſhould gain a further day, ſince the Depoſitions may be ready by to morrow as well as by the next day. And therefore we deſire your Lordships will be pleaſed to go on in the Tryal to morrow.

*L. H. Stew.* You ſhall know their Lordships pleaſure when they are withdrawn. Is it your Lordships pleaſure that we ſhould Adjourn?

*Lords.* Ay, Ay.

*L. H. Stew.* This Houſe is Adjourned into the Parliament Chamber.

*So the Lords withdrew in their Order, and the Commons went back to their Houſe, and* Mr. Speaker *reſumed the Chair.*

*A Meſſage was ſent from the Lords by Sir* Timothy Baldwin *and Sir* Samuel Clark.

Mr. *Speaker*. The Lords have ſent us to acquaint this Houſe, that they have ordered the Priſoner *William* Viſcount *Stafford* to be brought to the Bar in *Weſtminſter-Hall* to morrow morning at Ten of the Clock.

*And then the Commons Adjourned to Eight of the Clock next morning.*

# The Third Day.

*Thurſday, December* 2. 1680.

AT the Hour of Ten in the Morning the Lords Adjourned into *Weſtminſter-Hall*, and returned in their former Order into the Court there erected; and Mr. *Speaker* having left the Chair, the Commons were ſeated as before: The Court being ſat, Proclamation for Silence was made, and the Lieutenant of the *Tower* commanded to bring his Priſoner to the Bar, which being done, the *Lord High Steward* ſpake to him as followeth:

*L. H. Stew.* My Lord *Stafford*, this is the time appointed to hear what your Lordship hath to ſay in your Defence, and to call your Witneſſes.

Sir *Will. Jones.* My Lords, yeſterday my Lord Viſcount *Stafford* was pleaſed to make mention of an Affidavit of Mr. *Turbervile* taken before two Juſtices of the Peace, wherein he was pleaſed to ſay there was ſome Amendment made, and ſo indeed we did then acknowledg there was. But he had a deſire to ſee it notwithſtanding our acknowledgment, becauſe he was informed that that which *Turbervile* ſwore then, differed from what *Turbervile* ſwore yeſterday. My Lords, at that time we had not the Affidavit, nor was it proper for us to produce it, for indeed it remained in the Juſtice of Peace's Hands that took it; but now that his Lordship may have full ſatisfaction, and not only his Lordship, but alſo all that are preſent at this Tryal. I do inform his Lordship, that the Affidavit is in the hands of a Member of the Houſe of Commons, Sir *Will. Poulteney* by name, and if his Lordship pleaſe, he may have it produceed, and make what uſe he can of it.

*L. H. Stew.* 'Tis extream Honourably and Worthily done of the Houſe of Commons, and my Lord hath no manner of Exception left him.

*L. Stafford.* My Lords, if I ſhall have occaſion to uſe it, I ſhall call for it; but I would firſt ſay ſomething to your Lordships; My Lords, I firſt give your Lordships thanks, for granting me the liberty to come ſo late to Day, I have had a little ſleep upon it. Your Lordships heard yeſterday, when you had Dr. *Oats* at the Bar, the firſt thing that he ſaid, as I remember, was to deſire you would be pleaſed to leave him to his own method; I beg of your Lordships the ſame favour, that I may begin with the one or the other Witneſſes, or with matter of Law, as I pleaſe.

*L. H. Steward.* God forbid but you ſhould take your own Method in your Defence.

*L. Stafford.* In order to which, I desire first Mr. *Turbervile* may come to the Bar.

*L. H. Stew.* Do you call *Turbervile*, my Lord?

*L. Stafford.* Yes, my Lord, I do.

*L. H. Stew.* He is there, what say you to him?

*L. Stafford.* My Lords, I will ask him but one Question, and I hope I shall have occasion to ask him no more: When was the last time that he spoke with me?

*L. H. Stew.* Mr. *Turbervile*, I think I hear right, I do not know: My Lord *Stafford* asks when was the last time you spoke with his Lordship?

Mr. *Turbervile.* It was in *November* 1675.

*L. Stafford.* I have very much to say against his Evidence; but I hope your Lordships will not think him any Evidence against me, or any body else. But I desire your Judgment, whether I be not within the compass of the time limited by the Statute.

Mr. Serjeant *Maynard.* Express your self, my Lord, for we do not understand you.

*L. Stafford.* I cannot say more than I do; the time which the Statute limits is six months, but this is five years; I desire the Statute may be read.

*L. H. Stew.* What Statute, my Lord?

*L. Stafford.* The Statute of the 13*th.* of this King.

*L. H. Stew.* If your Lordship pleases you shall have it read, But your Lordship does not observe, you are prosecuted and impeached of High Treason upon the Statute of the 25*th.* of *Edward* the 3*d.* not upon the Statute of the 13*th.* of this King, made for the Safety of the Kings Person, which limits the Prosecution of some Offences to be within six months; but the Prosecution for Treason may be at any time.

*L. Staff.* Does your Lordship say it may be at any time?

*Lord High Steward.* Yes, my Lord.

*L. Stafford.* This truly does very much surprise me, though I am wholly ignorant in matters of Law. My Lords, I have ever heard that no man can be prosecuted by that Statute but within so many days, in one part of it Thirty Days, in another six months; and I desire your Lordships that the Statute may be read.

*L. H. Stew.* If your Lordship please, the Statute shall be read; if your Lordship desires the Clause of the Statute of the 13*th.* of this King, which limits the Prosecution to be within six months, that shall be read. But I conceive your Lordship is not accused upon that Statute.

Lord *Stafford.* I beseech your Lordships, I may know whether I am prosecuted upon the Statute of the 13*th.* of this King, or upon what other Statute.

L. *High.*

*L. H. Steward.* What say the worthy Gentlemen of the House of Commons; Is my Lord prosecuted upon the Statute of the 13*th.* of this King?

M. Serj. *Maynard.* Not at all, my Lord, he is not prosecuted upon that Statute, but upon the Common Law, and the 25*th.* of *Edward* the 3*d.* which was only Declarative of the Common Law.

*L. Staff.* This is a point of Law.

Sir *Will. Jones.* What is the point of Law.

*L. Staff.* Whether I can be prosecuted after so many days?

*L. H. Steward.* The Law is very clear. If you were prosecuted upon the 13*th.* of this King for any less Offence than Treason, you could not be prosecuted after six months, but if you be prosecuted for Treason either upon the 25*th.* of *Edward* the 3*d.* or 13. *Car.* 2*d.* there is no time limited, and God forbid there should.

*L. Stafford.* I beseech your Lordships Judgment, whether there be not a Statute, I think 'tis in the Reign of *Edward* the 6*th.* that sets the time, after which no man shall be prosecuted for any thing of Treason; I desire a quarter of an hours time to look into the Statute.

*L. H. Stew.* What say you, Gentlemen?

*L. Stafford.* Pray my Lord, let me read the Statute of *Edward* the 6*th.*

Mr. Serj. *Maynard.* We know not of any such Statute.

*L. Stafford.* I will not say there is, but I will say, I cannot read if there be not.

*L. H. Stew.* Pray Gentlemen of the House of Commons, my Lord does suppose he hath some kind of Objection in Law to make, which he cannot make out of himself; will it be amiss to let his Counsel make and propose the Question for him?

Sir *Will. Jones.* My Lords, we rather would have my Lord propose the Objection; for your Lordships know, till a matter of Law is proposed, he cannot be admitted to have Counsel. If he desires time to recollect himself about the Objection, we can't oppose it. But we desire that he may propose the Objection, and after if it be any doubt in matter of Law, your Lordships will assign him Counsel to be heard to speak to it.

Sir *Franc. Winn.* This would be a way for a Prisoner to have the Advantage of Counsel, when they ought not to be allowed; for 'tis but to say, he hath some doubt which he cannot propose himself, and so let in his Counsel to make Objections for him. If any Question of Law do arise, and that Question is stated, you will allow the Prisoner Counsel to argue it, but at this rate he may make the like pretences in every part of his Defence, and so obtain that Counsel shall manage his whole Defence for him.

*L. H. Stew.* I suppose my Lord does intend an Objection as to the time of the Prosecution, but he does not know how to make it. He supposes he is prosecuted

cuted after the six months, which he thinks is the time limited for the Prosecution. But I pray, my Lord *Stafford*, will your Lordship take time to recollect your self, and make an Objection fit for Counsel to be heard upon, and you shall have it.

*L. Staff.* I beseech you, I may have the Statute-Book with me, for I have none my self, my Lord.

Sir *Will. Jones.* With all our hearts, we do not oppose it.

*Then my Lord withdrew into the Room provided for him, and within a quarter of an hour returned.*

*L. H. Stew.* Say, my Lord.

*L. Stafford.* My Lords, I do confess I have been very much mistaken ever since I was first committed to the *Tower*: For I did conceive that they would have proceeded, as I thought, I was impeached upon the Statute of the 13*th.* of this King. I humbly desire your Lordships Judgment, whether I ought or no, to be prosecuted upon that Statute?

*L. H. Stew.* The Gentlemen have told you already: They prosecute you upon the Statute of 25*th.* of *Edward* the 3*d.* and upon the Common Law.

*L. Staff.* And they lay aside that Statute?

*L. H. Stew.* What Statute?

*L. Staff.* The 13*th.* of this King.

*L. H. Stew.* What say you, Gentlemen, once more?

Sir *Fr. Winn.* My Lords, we have declared already to his Lordship, and if my Lord had looked well upon the Articles of Impeachment, he could not have put that Question, but would have found himself impeached for Treason at the Common Law, declared by the 25*th.* of *Edward* the 3*d.*

*L. Staff.* So then they lay that aside of the 13*th.* of this King.

Mr. Serj. *Maynard.* We do not mention any Statute, but we mention the Crime, and that Crime is against the Common Law declared by the Statute, to wit, The attempting the King's Death, and the Subversion of the Government.

*L. Stafford.* My Lords, There is no doubt but the attempting the King's Death is a great and hainous Crime, but, my Lords, I do not find that in the Impeachment, there is any Overt Act at all. And whether I shall answer to a Treason not proved by any Overt Act sworn by two Witnesses, I submit to your Lordships. But, my Lords, because your Lordships and the House of Commons, may not think that I propose these things out of a desire of delay; if your Lordships please, it may be saved to me with all other points of Law, I will go on to my proofs.

*L. H. Stew.* Yes, all these things shall be saved to you, pray let us hear your Evidence.

*L. Staff.*

*L. Staff.* Since your Lordships hath granted me that, be pleased to give me leave to go to my Evidence, and I begin with *Stephen Dugdale.*

*L. H. Stew.* Set up *Dugdale.*

*L. Staff.* Will your Lordships please I may have Pen, Ink and Paper?

*L. H. Stew.* By all means, my Lord. *(Which was given him.)*

*L. Staff.* May it please your Lordships *Stephen Dugdale* said, if I understand him aright, (and I ask him again) that he knew something of the Plot, 15 or 16 years ago.

*L. H. Stew.* What say you, Mr. *Dugdale,* you hear the Question. Did not you say you knew of the Plot 15 or 16 years ago?

Mr. *Dugdale.* I did say it, and did explain my meaning in it. I did say there was among us such a preparation to be made against the King died, of Arms and Money, that neither should be wanting.

*L. Staff.* I beseech your Lordship to ask what proportion of Arms was to be provided.

*L. H. Stew.* What proportion of Arms was to be provided?

Mr. *Dugdale.* I never heard it nominated how many absolutely. I have heard of some Numbers. I heard of late of 30000. that were to be raised beyond Sea, what the whole number in *England* was, I have forgot, but I think I have heard Mr. *Gavan,* and some of the *Priests* say, That if there was occasion, they should have at least 200000 to assist them, that was of Men, and I suppose they had Arms as well as Men.

L. *Stafford.* My Lords, If this were true which he says Mr. *Gavan* said, that they were 200000, I desire to know what Men he ment, what Religion they must be of.

*Lord High Stew.* What Religion were they of that were to come in and help?

Mr. *Dugdale.* He did not name them at that time, but I understood them, and so I apprehend the Company would, that they were *Roman* Catholicks.

L. *Stafford.* 'Tis a strange thing that there should be 200000 Catholicks raised, when there are not 20 00 in *England* that can bear Arms.

L. *H. Stew.* Good my Lord, They might come from beyond sea, and so they might be so many *Roman* Catholicks, though there were not so many in *England.*

Mr. Serj. *Maynard.* And he says not they were *Roman* Catholicks, but he heard so.

Mr. *Treby.* There might be so many *Roman* Catholicks, and such as should be with them.

L. *Staff.* Did he hear 15 or 16 Years that I was one to be among them?

L. *H. Stew.* Answer that Question: Did you hear then that my Lord *Stafford* was to be one among them?

Mr. *Dugdale.* I cannot remember it that I did, my Lord.

L. *Staff.*

*L. Stafford.* Then, my Lords, I make this use of it: He tells you of a Plot 16 Years ago, that 200000 Men in Arms were ready against the King's death.——

Mr. *Dugdale.* I did not say so, my Lords, I desire I may be understood aright.——

*L. Stafford.* You say you heard so.

Mr. *Dugdale.* I speak as to the number of Men what I heard of late at the Consults and Meetings within these two Years.

*L. Stafford.* But I speak of 16 Years ago, what Number of Men was there to be raised?

Mr. *Dugdale.* My Lords, it was a general word that was amongst us, That we must be provided against that time, against the Death of the King, but no Number at all.

*L. Stafford.* This, my Lords, under favour, I conceive does not concern me. He tells you there was such a thing, it might be so, or it might not be so, I am not concerned in it, then 'tis out of Doors as to what concerns me: I conceive otherwise, if the Gentlemen conceive otherwise they will say so. Then, my Lords, the next thing is, How long ago it is since I first spake to him about this Plot, and I beseech your Lordships he may mention time and place.

L. *H. Stew.* You hear the Question, Mr. *Dugdale.*

Mr. *Dugdale.* The first time, to my best remembrance——

*L. Stafford.* I beseech you, my Lords, let us have no remembrance, but let him swear positively.

*L. H. Stew.* There is no mortal Man can swear otherwise than according to his Remembrance.

*L. Stafford.* When a mans Life and Honour, and all he hath is at stake, and indeed in Consequence every man in *England* is concerned if they swear not positively, but still say as I remember, who can make a Defence?

*L. H. Stew.* Mr. *Dugdale,* Go on and say as near as you can, and be as particular as you can, upon your Oath.

Mr. *Dugdale.* That which I can positively affirm, is, It was about *August,* or *September* (78.)

*L. Stafford.* He said yesterday it was in the latter end of *August,* or the beginning of *September,* which are two Months. I beseech you what does he mean by the latter end of *August,* how long before the end of *August?*

*L. H. Stew.* How long was it before the last day in *August?*

Mr. *Dugdale.* My Lords, I will not be positive, but it was either in one Month, or the other, I did not keep a Diary, or else I would give your Lordships satisfaction.

*L. Stafford.* I beseech your Lordships he may positively say whether in *August* or not in *August,* or whether in *September* or not in *September.*

Mr. *Dugdale.* I dare not venture to swear that, I dare not do it.

*L. Staff.* Then saving my Exceptions to the incertainty of that afterwards, I would ask him what day was it in *September* that I spoke to him.

Mr. *Dugd.* I remember one was either the 20. or 21. of *September* (78.)

*L. Staff.* My Lords, he says the 20. or 21. does he say that was the first time he spoke with me?

Sir *John Trevor.* No, no.

*L. Staff.* I beseech you my Lords, they may not answer the Questions, but the Witnesses; they cry No, no.

*L. H. Stew.* My Lord, you shall certainly have an answer to all the Questions you will ask.

*L. Staff.* But when I ask they answer for them, I would know whether that is the Course or no.

*L. H. Stew.* Do not disquiet your self for any thing that is said about you, you shall have a fair hearing.

*L. Stafford.* But, my Lords, I cannot but be disquieted when I hear these learned Gentlemen make Answers to my Questions for the Witnesses.

*L. H. Stew.* Mr. *Dugdale,* Was the 20. or the 21. of *September,* you speak of, the first time you spoke to my Lord *Stafford*?

Mr. *Dugdale.* No, my Lords, it was not.

*L. Stafford.* Pray, my Lords, what day was it then I spoke first to him?

*L. H. Stew.* What was the day you first spoke to my Lord?

Mr. *Dugdale.* Truly my Lords I cannot remember so well as to tell you.

*L. H. Stew.* Do you remember when my Lord came to *Tixal*?

Mr. *Dugdale.* I remember one Sunday in particular, but I cannot tell what day of the month it was.

*L. H. Stew.* Do you remember my Lord *Stafford* at *Tixal* in company of my Lord *Aston*, and Father *Evers*?

Mr. *Dugdale.* Yes, I do.

*L. H. Stew.* Do you remember that any discourse passed between them?

Mr. *Dugdale.* Yes, I do.

*L. H. Stew.* Was that before or after the 21. of *September*?

Mr. *Dugdale.* Both before and after.

*L. Stafford.* My Lords, he says there was a Consult at *Tixal,* where such and such were present, and the Kings Death determined, I ask when was that?

Mr. *Dugdale.* That was in *September,* I cannot say positively the day, but in *September,* or the latter end of *August.*

*L. Stafford.* My Lords, I must acquiesce and submit to your Lordships to do what you please; but if he does not name times nor places, how can I make my Defence? I desire he may say positively within five days of the one or of the other; and, my Lords, I will put it upon that, if he say five days before the end of *August,* or five days in the beginning of *September,* which one would think is space enough, that is ten days time.

*L. H. Steward.* My Lords do obſerve how far Mr. *Dugdale* goes, and that he is no further poſitive than he does expreſs himſelf.

*L. Stafford.* I beſeech your Lordships, I preſs this, becauſe it concerns me very much, that he may be poſitive within five days over or under.

*Lord High Steward.* Can you remember whether it were within five days of the one, or of the other?

Mr. *Dugdale.* Truly my Lords, I cannot be poſitive, if I had not made a particular Remark upon that of the 20. or the 21. I could not have remembred that; for I did not then intend to reveal the Plot, or elſe I could have given you ſatisfaction in that.

*Lord High Steward.* My Lord, your Lordship hath an anſwer to it, he cannot ſpeak more poſitively to it than he does.

*L. Stafford.* I beſeech you then how is it poſſible I can make my Defence?

Mr. *Dugdale.* My Lords, *I* kept no Journal: if *I* had *I* would be more poſitive.

*L. Stafford.* He ſays it was the latter end of *Auguſt*, or the beginning of *September*, *I* deſire he will ſay whether it was the laſt week in *Auguſt*, or the firſt week in *September*.

*L. H. Stew.* He anſwers he cannot tell, your Lordship muſt make what advantage you can of that Anſwer.

*L. Stafford.* *I* can make no advantage of it unleſs he does ſpeak poſitively to the time. My Lords, *I* beſeech you, *I* may know what is the end of *Auguſt* and the beginning of *September*?

*L. H. Stew.* My Lord, *I* hear you not.

*L. Stafford.* If a man ſays the beginning of *June I* was at ſuch a place, how many days is the beginning, and how many days the end of a Month? How much time will your Lordships underſtand the meaning of that to be? *I* am concerned extremely in the point of time, for it is that which the whole Buſineſs depends upon, *I* mean as to this man.

*L. H. Steward.* My Lord, go on with your Evidence, *I* know not how to give you an Anſwer, what Judgment my Lords will make of it, or how much they will underſtand by it, till they are withdrawn, they obſerve how much you Lordship inſiſts upon it, and will hear what the worthy Gentlemen of the Houſe of Commons will anſwer to it.

*L. Stafford.* My Lords, my whole buſineſs with this Fellow is concerned in a poſitive Anſwer to this Queſtion, *I* give him *I* think reaſonable time to confine himſelf to.

*L. H. Stew.* What ſay you to the 20. or 21. of *September*, my Lord?

*L. Stafford.* My Lords, *I* ſhall give a clear Anſwer to that anon; but *I* am extremely concerned in this to know whether it was in *Auguſt* or *September*.

*L. H. Stew.* My Lord, if your Lordship be concerned never ſo much at that, the Witneſs can ſwear no more than he can ſwear. He ſays about the latter

end of *August*, or the beginning of *September*; will your Lordship ſtand ſtill for that?

*L. Stafford.* Well then I will go on as well as I can; as for the matter of the 20. or 21. of *September*, I beſeech your Lordships I may ask *Dugdale* one Queſtion, whether at the Tryal of Sir *George Wakeman*, or the Five Jeſuits he did not ſay the Conſult was in *Auguſt*, if he deny it, I ſhall prove it.

*Lord High Stew.* Mr. *Dugdale*, my Lord asks whether at the Tryal of *Wakeman*, or of the Five Jeſuits you did not ſay it was in *Auguſt*.

Mr. *Dugd.* My Lords, I did name there was a Conſult at *Boſcobel* in *Auguſt*, but I do not remember that I did name my Lord *Stafford* in any Conſult in *Auguſt* poſitively; but as I ſay now, the latter end of *Auguſt* or the beginning of *September*. But I did name that there was a Conſult at *Boſcobel* in *Auguſt*, (78.)

L. *Staff.* My Lords, He did ſay I was at the Conſult in *Auguſt*.

Mr. *Dugd.* I did not ſay my Lord *Stafford* was there, I don't charge him in it, and if any ſuch thing was printed I have wrong done me.

L. *Staff.* Then he ſays he had nothing to do with me till the latter end of *Auguſt* or the beginning of *September*. My Lords, I beſeech your Lordships to ask him whether in Sir *George Wakeman*'s Tryal he did not ſay, he was to receive Orders from me in *June* or *July*, when I came into the Country.

*L. H. Stew.* Did not you ſay at Sir *George Wakeman*'s Tryal, that you were to receive Orders from my Lord *Stafford* in *June* or *July*, when he came into the Countrey?

Mr. *Dugdale.* My Lord, I ſubmit to your Lordship and the reſt of my Lords here, whether when that Queſtion was asked by my Lord *Stafford*, I did not ſay, That the firſt time I entred into correſpondency with the Conſulters, they told me, my Lord was to come down then, and I ſhould receive Orders from him? I had heard of my Lord *Stafford* before, but not to enter into any Conſults with him, till he came down, the latter end of that Summer.

L. *Staff.* I beſeech your Lordships pardon me, I deſire him to anſwer poſitively, whether at the Tryal of Sir *George Wakeman*, he did not ſay, he was to receive Orders from me in *June* or *July*, when I came into the Country.

*L. H. Stew.* Did you ſay ſo at Sir *George Wakeman*'s Tryal?

Mr. *Dugdale.* I believe I did ſay ſo, for I had it from others, and not my Lord *Stafford* himſelf.

L. *Staff.* My Lords, in *June* or *July* I was not in the Country.

L. *H. Steward.* He ſays, You were to come down, not that you did come down.

L. *Stafford.* If you will let him do thus, there is no man ſafe, I ſhall begin the Tragedy and millions will follow. He ſwore at the Tryal of Sir *George Wakeman*, or that of thoſe other perſons, That there was a Conſult at my Lord *Aſton*'s at *Tixal*, where I was one, in *Auguſt*.

Mr. *Dug-*

Mr. *Dugdale.* My Lords, I did not ſwear ſo; but in *Auguſt* or *September*, or one of them, as now I ſwear.

L. *Stafford.* I ſhall prove it by the Book, and Witneſſes that were there.

Mr. *Dugd.* Then they did me wrong by printing it, for I never ſaid of your Lordship otherwiſe than I do now.

*L. Stafford* I deſire my Witneſſes may be called to prove it, for I conceive it is very material. My Lords, does he deny it?

Mr. *Dugd.* I do ſay there was a Conſult at *Tixal* in *Auguſt*, but I did not charge your Lordship poſitively to be there then, nor with more than I do now.

*L. Staff.* I think you did, and I have witneſſes to prove it. And 'tis impoſſible for any man living to defend himſelf, if perſons ſhall ſwear as they ſuppoſe, think, or remember. I tell your Lordships, I was not there in all the month of *Auguſt*.

*L. H. Stew.* Does your Lordship intend to call any Witneſſes?

*L. Stafford.* My Lords, I thought I had more Witneſſes than I have. But I have two here, if your Lordships will hear them, that he did ſwear I was at *Tixal* in *Auguſt*.

*L. H. Stew.* Who are they?

*L. Stafford.* My Daughter *Wincheſter* for one, and a Lady that is my Kinſwoman for another.

*L. H. Stew.* Let them ſtand up, they are not to be ſworn. You don't except againſt them, Gentlemen?

Sir *Will. Jones.* No, let him prove what he can.

Lady Marchioneſs of *Wincheſter.* He did ſwear that he was to receive his Orders from———

*L. H. Stew.* Madam, your Ladyship is not upon your Oath; but you are under all the obligations of Truth and Honour in the world.

Lady March. *Winch.* My Lords, by the Grace of God I will not ſpeak an untrue word.

Sir *Will. Jones.* We deſire to know this Ladies Name?

*L. Stafford.* It is my Daughter *Wincheſter.*

Lady March. *Winch.* This *Stephen Dugdale*, did ſay, at the Tryal of Sir *George Wakeman*, That he was to receive Orders from my Lord in *June* or *July*, when he was to come down; and that my Lord was at a Conſult at *Tixal* in *Auguſt*.

*L. H. Stew.* Did he ſay poſitively in *Auguſt*, or in *Auguſt* and *September*.

Lady March. *Winch.* No, he did not name *September*.

Mr. *Dugdale.* My Lords, I might ſay my Lord was to come down then, but not that ever I ſaid he was there but as now.

*L. H. Stew.* But she ſays, you did not name *September*.

*L. Stafford.* Here is another Lady.

Sir *Will. Jones.* Who is she, my Lord?

*L. Staff.*

*L. Stafford.* Mrs. *Howard*, Daughter to Sir *George Blount*, and married to Mr. *Howard*, a Kinsman of mine; she is now a Widow.

Mrs. *Howard.* My Lords, at the Tryal of Sir *George Wakeman*, *Dugdale* was asked to be positive in the Month my Lord *Stafford* came down. And he said, he came down in *June* or *July*; but he said the Consult was in *August*, wherein my Lord *Stafford* was.

*L. H. Stew.* That Lady likewise says the same, That you would not be positive as to *June* or *July*; but as to *August* you were positive that my Lord was there.

Mr. *Dugd.* No, my Lords, I only said, in *August* there was a Consult, and in *June* or *July* my Lord was to come down.

Mrs. *Howard.* I do assure you we came to that Tryal on purpose to observe every word he said about my Lord *Stafford*, and we have kept it in our memories ever since.

*L. H. Stew.* What do you say, Mr. *Dugdale*, to it?

Mr. *Dugd.* I suppose there was a great many more at that Tryal than these two worthy Ladies, and I suppose some of them may remember, I said no more than I do now. I said then, my Lord was to come down at that time, and so I said several times, but not positively that he was there till the end of *August* or the beginning of *September*.

*L. Stafford.* My Lords, I do positively averr, here are two Witnesses, that say, he swore, I was there at the Consult in *August*. Now it concerns me to prove, that I was not there in *August*, since he said absolutely I was there in *August*; and I assure you I can prove I was not there not all the whole Month. In the beginning of *August* I came from *London*, from my own House; on *Tuesday* or *Wednesday* the 6. of *August*, I went to my Lord *Bellasis*'s, and that night I went to *George Porters*, the next night I went onwards towards *Bath*; when I was there I went over and staid with my Noble Lord, the Marques of *Worcester*, there I staid two or three days, and I went thence to another place hard by there, and then I came back again to *Bath*, and went back again afterwards to my Lords House; and the first or second of *September*, I went from my Lords House to *London*. Then if this be acknowledged, I need say no more; if not, I'll prove it by sufficient Witnesses: So then I was not there the whole Month of *August*, and the beginning of *September* he says he spoke with me. I was not there till the 12. of *September*. Now I beseech your Lordships how that could possibly be the beginning of *September*. I submit to you, whether then he be a Witness fit to be heard, that shall swear positively what hath no colour of truth in it, I also leave to you. And if they object I was not where I say I was in *August*, I will prove it. And for the 20. and 21. of *September*, I do own something of that, and I shall prove to your Lordships what it was.

*L. H. Stew.* Call what Witnesses you please my Lord.

*L. Stafford.* My Daughter proves when I went out of Town.

Lady

Lady March. *Winch.* My Lords, it was on a *Tuesday* my Father went to my Lord *Bellasis*, he dined there and then went on to *George Porters*.

*L. Stafford.* That *I* was at *Bath I* shall call Witnesses.

*L. H. Stew.* My Lord, you should prove when you first came to *Tixal*, my Lord *Aston's*.

L. *Staff.* Will that satisfie your Lordship?

L. *H. Stew.* Me; 'Tis not me you are to satisfie, but my Lords, and the Gentlemen of the House of Commons.

*L. Staff.* Then I do own to your Lordships, I came the first time the 12*th.* of *September* to *Tixal*.

L. *H. Stew.* That was the first day you were there?

*L. Staff.* That Year, my Lord, it was. Sir *Will. Jones.* Prove it.

*L. Staff.* Does he deny that, my Lords?

*L. H. Stew.* Do you deny that my Lord came first to *Tixal* the 12. of *September*? Or do you know he was there before?

Mr. *Dugdale.* My Lords, I have positively spoke to no day, but only to the 21. or 20. of *September*.

*L. Staff.* Where is my Lord Marques of *Worcester's* Servant?

*L. H. Stew.* My Lord *Stafford*, it will be best for your Lordship to produce all the Witnesses you have, and not to leave any thing undone that you can prove.

*L. Staff.* But I beseech your Lordships, I may ask one Question, if I shall name any of the House of Peers as my Witnesses, does that exempt them from being Judges?

*L. H. Stew.* No, my Lord. If your Lordship have any Witnesses among any of my Lords here, they may very well testifie for you, and yet remain still in the capacity of your Judges: for my Lord of *Strafford* had a great many Witnesses that were Peers.

Sir *John Trevor.* We do not oppose it, my Lords.

*L. H. Stew.* My Lord call your Witnesses.

*L. Stafford* There is no place appointed for them, and therefore I could not have them ready here; I have sent for them; I have a throng of them.

*L. H. Stew.* They will open the way, and we will stay for them.

*L. Stafford.* My Lords, I desire, that as Yesterday, when the Witnesses were sworn against me, mine did not hear what they said, so I desire when my Witnesses come, theirs may not be present.

*L. H. Stew.* My Lord, with your Lordships Pardon, it was not well done that your Witnesses were not there; but if Witnesses be to confront one another, shall they not hear what one another say?

L. *Stafford.* My Lords, I am so clear in every thing, I will dispute no little matters. *Then my Lords Witness stood up.*

*Lord High Steward.* What is this mans name you call now, my Lord?

*L. Stafford.*

*L. Stafford.* Indeed my Lord I don't know.

*Witneſs.* My Name is *Bonny*, my Lords.

*L. H. Stew.* Does your Lordship call this man? *L. Staff.* Yes, my Lords.

*L. H. Stew.* You are not upon your Oath, but you are to look that a ſtrict account will be taken of what you ſay.

Mr. *Foley.* My Lords, we deſire to know where this Witneſs lives?

*Bonny.* I live in *Exeter-ſtreet*, by *Exeter* Exchange.

*L. Staff.* I declare it, I know him not, but I am told he can witneſs for me.

*L. H. Stew.* Your Chriſtian Name? *Bonny. Thomas.*

*L. H. Stew.* What Profeſſion are you of?

*Bonny.* I live as Clerk of the Kitchin to my Lord Marqueſs of *Worceſter.*

Mr. *Foley.* What Religion are you of?

*Bonny.* A Proteſtant, one of the Church of *England.*

*L. Staff.* My Lords, I humbly move your Lordships, When I asked Mr. *Smith* the firſt day, where he was made a Prieſt, a Gentleman ſaid, he was not bound to anſwer any thing againſt himſelf that might make him Criminal. I deſire that the Queſtion may not be put to my Witneſſes what Religion they are of.

L. *H. Stew.* The Gentleman will not offer to ask any Queſtion that may make a man accuſe himſelf; but my Lord, a Papiſt or not a Papiſt is not ſo penal as a Prieſt or no Prieſt.

Mr. *Foley.* To acknowledge a mans ſelf a Papiſt, is not to make him a Criminal.

*L. H. Stew.* What does your Lordship call this Witneſs for?

*L. Staff.* To prove when I was at my Lord Marqueſs of *Worceſters.*

*L. H. Stew.* What ſay you, when was my Lord *Stafford* at my Lord Marqueſs of *Worceſters?* *Bonny.* In *Auguſt* (78.)

*L. H. Stew.* Do you remember it perfectly? *Bonny.* Very well.

L. *H. Stew.* What day of *Auguſt?*

*Bonny.* The 17. of *Auguſt*, which my Lord Marqueſs keeps as his Wedding Day every Year, and the Gentlemen of the Country are invited thither. My Lord *Stafford* was then at *Bath*, and my Lord Marqueſs was pleaſed to ſend his Coach for him to be preſent there that day; there he ſtaid that day and the next day, and then returned on *Monday.* And in the ſame month, the 31. of *Auguſt*, my Lord came again from *Bath* to *Badmin on*, my Lord Marqueſs of *Worceſter's*, and upon the *Monday* after returned for *London.*

*L. H. Stew.* That was the beginning of *September?*

*Bonny.* Yes, the 2. he went to *London.*

*L. H. Stew.* Will you ask him Genlemen any Queſtions?

*Managers.* No, my Lords.

*Lord High Steward.* Call another Witneſs then. (*who ſtood up.*)

L. *H. Stew.* What is this mans Name? *Witneſs. Thomas.*

L. *H. Stew. Thomas* what? *Witneſs. Thomas* White.

L. *H.*

*L. H. Steward.* Where do you live?

*White.* I live with my Lord Marquefs of *Worceſter* at *Badminton.*

*L. H. Stew.* What do you ſay?

*White.* My Lords————

Lord Marquefs of *Worceſter.* My *Lord Steward*, I have only this to ſay, my Lord *Stafford* deſired that his Witneſſes might not be asked what Religion they were of, but *I* deſire all my Servants may be asked, for *I* keep none but Proteſtants.

*Lord High Steward.* What Religion are you of?

*White.* A Proteſtant.

L. *Stafford.* My Lords, *I* did not require it for them; *I* know my Lord keeps none but Proteſtants, but *I* asked it for others of my Witneſſes, that may come and be ſtartled at it.

*L. H. Steward.* What ſay you, when was my Lord *Stafford* at my Lord Marquefs of *Worceſter*'s Houſe?

*White.* The 17. of *Auguſt* (78.) *I* fetched him from *Bath*, being my Lords Wedding day.

*L. H. Stew.* You fetched him?

*White.* Yes, my Lords.

*L. H. Stew.* What place do you ſerve my Lord Marquefs in?

*White.* As Coachman.

*L. H. Stew.* Was he there afterwards?

*White.* Yes he was, but *I* can't remember the day, only this being a remarkable day *I* can remember it.

*L. H. Stew.* Did you carry my Lord from thence towards *London*?

*White.* Yes, *I* did.

*L. H. Stew.* When was that?

*White.* The ſecond of *September* to the beſt of my remembrance.

*L. H. Stew.* Gentlemen, Will you ask him any Queſtions?

*Managers.* No.

*L. Stafford.* I think this is ſo clear, I ſhall not need to trouble your Lordships further with more Witneſſes.

L. *H. Stew.* Call whom you pleaſe, my Lord, and as many as you think fit, they ſhall be heard.

*L. Stafford.* One more then, my Lords. *(Who ſtood up.)*

*L. High Stew.* What is your Name?

*Witneſs. Richard Bevan.*

*L. H. Stew.* Who do you live with?

*Bevan.* I am Groom to my Lord Marquefs of *VVorceſter.*

*L. H. Stew.* What Religion are you of?

*Bevan.* A Proteſtant.

*Lord High Steward.* Do you remember when my Lord *Stafford* was at the Marqueſs of *Worceſter*'s Houſe?

*Bevan,* Yes, I do.

*Lord High Steward.* What time was it?

*Bevan.* The 17. of *Auguſt.*

*Lord High Steward.* Do you remember any other day?

*Bevan.* No, my Lord, but he was there that day.

*L. H. Steward.* Will you ask him any Queſtions?

*Managers.* No, my Lords.

*L. Stafford.* My Lords, if your Lordships pleaſe, I deſire my Lord Marqueſs of *Worceſter* may tell your Lordships, whether his men have ſaid true or no.

Lord Marqueſs of *Worceſter.* My Lords, I do remember, that my Lord *Stafford* was pleaſed to do me the Honour, to come upon my Wedding day from the *Bath,* and dine with me, as moſt Perſons of Quality that are of my acquaintance, and happen to be at the *Bath* at that time, are pleaſed to do. And as moſt of the Gentlemen of the Countrey, within ſuch a diſtance do alſo. (And that day is the 17. of *Auguſt*) I think he was there once or twice after, from the *Bath,* but I cannot tell preciſely the days; but that particular day I remember, becauſe it was my Wedding day.

*L. H. Steward.* Can your Lordship remember when my Lord *Stafford* went to *London?*

Lord Marq. of *Worceſter.* Truly I cannot tell that, my Lords.

*L. H. Steward.* Did you not after that, lend my Lord your Coach?

Lord Marq. of *Worceſter.* Yes, I did, to carry him as far as *Sandy-lane,* on the Road to *London*; but the particular day I remember not; but one of the perſons examined (who was then my Clerk of the Kitchin) muſt needs know, becauſe he books every day, who is in the Houſe, and therefore I believe what he has ſaid is true.

*L. Stafford. Stephen Dugdale* I deſire may come again. I conceive I have made it plain to your Lordships, That *Stephen Dugdale* did ſwear, that in *Auguſt* there was a Conſult at my Lord *Aſton*'s, where I was, and I conceive it is alſo clear that in *Auguſt* I was not there; and then if it were the beginning of *September,* that could not be neither, for I came not down to *Tixall* till the 12. I beſeech you to ask him when I offered him the Five Hundred Pounds to kill the King, I think he ſays it was the 20. or 21.

*Lord High Steward.* What was the time my Lord offered you the Five hundred pound?

Mr. *Dugdale.* It was about that time, the 20. or 21. of *September* to my remembrance.

Lord *Stafford.* He ſaid poſitively before, it was one of thoſe two days, I beſeech your Lordship to ask him where it was?

*L. H. Steward.* Where was that offer made?

Mr. *Dugdale.* In my Lords lodging chamber at *Tixall.*

*L. Stafford.* Then one Queſtion more, I deſire you Lordship to ask him, what day the Race was at *Etching*-Hill, between Sir *John Crew*'s man and *Lazinby?*

Mr. *Dugd.* If it pleaſe your Lordship, I do conceive it was about that time.

*L. Stafford.* I pray he may anſwer poſitively, for if you pleaſe I will tell you how it was. It is very true the 20. of *September* this fellow was in my chamber, and I shall trouble your Lordships with ſome little diſcourſe about it, and my reaſons why: Firſt, I beſeech your Lordships to permit me to let you know, that this fellow did ſerve my Lord *Aſton* in the quality of a Bailiff. And I never thought him to be an honeſt man, he was a mean Servant, and when the other Servants waited but till the ſecond Courſe came in, he ſtaid till the Coach-man and the Groom went to Dinner, and eat with them. I profeſs before God it is true as that the Sun shines, I have often and often, I cannot tell how many times, when I have been very dry at my Lords Table, and ſeen him by me, not called for Drink, I did deteſt him as ſo mean a Knave, that I often refuſed to take Drink at his hands. And now for me to offer this fellow five hundred pounds———

L. *H. Steward.* I think your Lordship ſays he was Bailiff to my Lord *Aſton.*

*L. Stafford.* But I knew him to be an errant Knave, and a great Gameſter at Races and ſuch things.

*L. H. Steward.* My Lord, would you have offered five hundred pounds to an honeſt man to kill the King?

Mr. Serj. *Maynard.* You ſaid you never ſaw him.

*S. Stafford.* I ſaid I had ſeen him, but now I did not know him by his Peruke.

*Lord High Stew.* Did you not know him, my Lord?

*L. Stafford.* No, my Lords, I profeſs I did not.

*L. H. Steward.* Why your Lordship was a going to ſhew that the Race at *Etching*-Hill was upon the 20. of *September*, and your Lordship confeſſes, that he did ſpeak with you on the 20. of *September* in your chamber; and *Dugdale* ſays, this day was the very offer made him of five hundred pounds to kill the King. What do you ſay *Dugdale*, were you at the Race?

Mr. *Dugd.* Yes, I was with my Lord at the Race.

*Lord High Stew.* Did my Lord ſpeak with you before he went or after?

Mr. *Dugd.* Before. *L. H. Steward.* That morning in his chamber?

Mr. *Dugd.* Yes, it was that very morning, before he went to the Race.

*L. Stafford.* I do own, my Lord, thus far, he was in my chamber that morning; but, my Lord, I can prove what I ſay to you. *My Lords,* that 20. of *September* in the morning, I was in my bed, and there comes a Servant of mine that hath ſerved twelve or fourteen years, and he comes in to me, and ſays, Yonder is *Stephen Dugdale* very deſirous to go to this Race; it ſeems he ſays he went along with me to this Race.

Mr. *Dugdale.* I ſay I went either before or after, or when you went to the Race, for I was with you at the Race.

*L. H. Steward.* Whether he went with you, or no, is not the point, but whether he was in your chamber at that time.

Lord *Stafford.* 'Tis the point, for he ſaid juſt now, he went with me, as I apprehended him. But I tell your Lordships, my Servant came and told me, *Stephen Dugdale* deſires that you will ask my Lord *Aſton* leave that he may go before to the Race, my Lord is angry with him already for his medling in Races, and he dare not ask himſelf. My Lords, I was a little concerned in the Race, for I had betted ſome money, and I thought with my ſelf, ſhould I ask my Lord *Aſton* leave for him to go, my Lord will not deny me, but perhaps will take it ill to be asked; ſo I was not over willing to do it. But I bid my Servant call him in, and when he came, I asked him ſome foolish Queſtions about the Race, as who he thought would win, and the like; but I told him I would get leave of my Lord for him. My Lords, I did go to my Lord *Aſton*, and told him, My Lord I am ſending my Servant before to the place of the Race, but I am afraid he does not well know the way, shall *Stephen Dugdale* go along with him? My Lord gave him leave to go; but, my Lords, I dreſſed me, and did not ſpeak one tittle more to this *Dugdale*, but he went away before, and I was hardly or but juſt dreſt when he was gone.

*L. H. Steward.* I pray, my Lord, was your Lordship at no time alone with him in your chamber?

*L. Stafford.* No, never ſince I was born, never in all my life.

*Lord High Steward.* No, my Lord!

*L. Stafford.* He ſays my Servants uſe to come for him, I profeſs it is all falſe.

*Lord High Steward.* What ſay you to that, Mr. *Dugdale?*

Mr. *Dugd.* My Lords, I was in my chamber, and buſie when my Lord ſent for me that morning; and it was either by his Page or one that waits on him in his chamber; I went to my Lord, and the Page was in the chamber, and he ordered him to go out.

*L. Stafford.* I declare and averr to your Lordships he was in the Hall or the next room and deſired to come in.

*Lord High Steward.* Where is the Page?

*L. Stafford.* This fellow was but a poor Boy found at the Door, then he was a Thresher, and now a Witneſs for the King.

(*Then my Lord* Stafford's *man ſtood up.*)

*L. H. Steward.* What is your Name? *Witneſs.* My Name is *Furneſe.*

*Lord High Stew.* Do you remember the day of the Race at *Etching*-Hill?

*Furneſe.* Yes, I do, my Lords.

*L. H. Stew.* Do you remember *Dugdale* was in your Lords chamber that morning. *Furneſe.* Yes, I do.

*L. H. Stew.* Do you remember whether your Lord did bid you go out or no?

*Furneſe.* No, he did not.

*L. H. Steward.* Were you there all the while *Dugdale* was there?

*Furneſe.* Yes, my Lords, I was.

*L. Stafford.* Pray, my Lords, ask him whether I ſent for *Dugdale*, or he deſired to ſpeak to me.

*L. H. Steward.* Did my Lord ſend for *Dugdale*, or did he come to you to ſpeak to my Lord for him? *Furneſe.* No, *Dugdale* ſpoke to me firſt.

*L. H. Steward.* What did he ſay to you, pray?

*Furneſe.* My Lords, about eight or nine of the clock in the morning, I came to go to my Lords Chamber, and I came through my Lord *Aſton*'s Hall, and coming through, I met Mr. *Dugdale* coming to me, and ſaid, he had one favour to deſire of me. He ſaid, he would fain go to the Race, but, ſaid he, I do not know how to go, for my Lord is very angry with me, and if I ſhould ask him, he would be worſe, for he is diſpleaſed that I have medled ſo far in theſe matters already: Therefore I deſire ſome means may be uſed that I may go, and I deſire that you would ſpeak to my Lord, to get leave for me to go; for Mr. *Fox* is there, and hath a great deal of money in his hands, and divers people will give mony to bett; and ſo it will be a great loſs and prejudice to me not to go. So I did promiſe him, my Lords, and went into my Lords Chamber, and told him; and when I had ſpoke to my Lord, my Lord bid him come in, and when he came in, my Lord asked him ſeveral Queſtions about the Race; my Lord asked him what hopes he had, for he ſaid, a great deal of money was laid by ſeveral people; he replyed, he could win, but he wanted money to bett; ſays my Lord, I will bett Twenty pound for *Staffordſhire* ſake though I were ſure to loſe. And then after ſome diſcourſe to that purpoſe, my Lord told him, he would ſpeak to his Lord. After my Lord was dreſt, he went out of his Chamber, and went to my Lord *Aſton*, to ask him leave for *Dugdale*; and my Lord bid me make my ſelf ready to go to the Race. About nine or ten of the clock I was ready to go, and coming down the back ſtairs, my Lord met me; go, ſays he, to *Etching*-Hill, and ſee what Betts there are, and take *Stephen Dugdale* with you to ſhew you the way, for I have asked his Lord leave for him to go. So *Stephen Dugdale* went along with me to the Stable, and took out his Horſe; mine was not ready, but I overtook him in half a mile, and it was eleven of the clock ere we were at *Ridgley*. I asked ſome queſtions about one Mr. *Gerard*; and I think about Twelve of the Clock we were at the Race, and I ſtaid till One with him, and Mr. *Fox*, who was a party concerned in the Race, and there were ſeveral Betts laid; I was watchful when my Lord ſhould come, leſt he ſhould want me: So I left them, and went to the Room where my Lord was to dine; and when I went to my Lord I left him betting. About 2 of the Clock the Lords and Gentlemen all went to Dinner (that were there) and when we had half dined,

betwixt

betwixt two and three, *Dugdale* came in, and we ask'd him how the wagers went? he ſaid he would bet Gold to Silver if he had it, but he had betted away all his Money. I know not how much. So there was a Gentleman that was Servant to my Lord *Aſton*, one *George Hobſon* by name, he lent him two Guineys and odd Money, and I lent him ſome forty or fifty Shillings out of my own Pocket, which I told him I would not lend unleſs he would give it me at the Hill again, before the Race began, becauſe I was fearful my Lord ſhould go to *Stafford* again, from my Lord *Aſton*'s that night. About 4 or 5 a Clock I went up to the Race, and demanded my Money, and he paid it me before the Race begun, and after the Race was done I loſt him. My Lord went home, and I waited on him. This was about 5 or 6, and about the mid-way towards my Lord *Aſton*'s Houſe he went into the Coach, and I got on Horſeback, and we got home about 6 or 7 of the Clock as I ſuppoſe. But at night after Supper I enquired for *Dugdale*, how he took his loſings, and how he did after it? They told me he was gone to Bed, ſo I ſaw him no more that night. The next morning my Lord bid me come betimes, for he would go to *Stafford* that morning, where we dined, at Mr. *Abden*'s, and from thence took our way to go to my Lords own Houſe.

L. *Stafford*. Now, my Lords, if you pleaſe to ask this Boy, whether I bid him go and call *Dugdale* to me, and leave him there.

*L. H. Stew*. My Lord *Stafford* did bid you, Mr. *Furneſe*, go and dreſs your ſelf, and make you ready for the Race, did you not leave *Dugdale* behind you in the Chamber when you went to dreſs your ſelf?

*Furneſe*. No, my Lord, *Dugdale* was gone thence, and my Lord was gone too, before me to my Lord *Aſton*'s

*L. H. Steward*. I ſtill ask you the Queſtion, (you are upon an Obligation very great, as much as if you were upon your Oath) whether you were in my Lords Chamber before *Dugdale* came in, and ſtaid till after he went out?

Lord *Stafford*. And whether I bid him go out or no?

*Lord High Stew*. Were you there before *Dugdale* went in?

*Furneſe*. He went along with me in, I conducted him in.

*Lord High Stew*. Did you ſtay all the while *Dugdale* was there?

*Furneſe*. As near as I remember I ſtaid there all the while.

L. *Stafford*. Ask him poſitively,

*Furneſe*. Yes, my Lords, I was there all the while *Dugdale* ſtaid, but I cannot ſay poſitively how long it was.

*L. H. Steward*. Mr. *Dugdale*, you are upon your Oath, he ſays he came in along with you, and you went out of the Chamber before him, and he was there all the while you were there.

Mr. *Dugdale*. My Lords, I am not poſitive which of my Lord's Servants it was that came for me, but one it was. But when I came into the Chamber to my Lord, my Lord was getting up, and he charged them both to go forth, and the Room was clear, and I ſaw no body.

L.

*L. Stafford,* My Lords, ask my man.

*Furneſe.* My Lord never bid me go forth that day, nor any elſe in my life when any was in the room.

Mr. *Dugd.* My Lords, if it pleaſe your Lordships, Mr. *Furneſe* was pleaſed to ſay, I would bett Gold to Silver, but in that he was miſtaken, for the odds was quite ſix to four againſt us.

*L. H. Steward.* Well we are not upon the Race now, or the Wagers laid there. But, Gentlemen of the Houſe of Commons will you ask this man any Queſtions?

Sir *Will. Jones.* No, my Lords, we have none to ask.

Sir *Tho. Lee.* We deſire to know where he lives now, what Country-man he is, and what Religion he is of?

*L. H. Stew.* Whom do you ſerve now? *Furneſe.* My Lord *Stafford.*

*L. H. Stew.* Do you live with him ſtill?

*Furneſe.* Yes, I do, and have done this fourteen years.

*L. H. Stew.* What Country-man are you? *Furneſe.* A *Dutch*-man.

*L. H. Stew.* Where born? *Furneſe.* At *Bruſſels.*

Sir *Franc. Winn.* We would ask him what Perſwaſion or Religion he is of.

*L. H. Stew.* You may be ſure of what anſwer you shall have.

*Furneſe.* I am a Roman Catholick. *L. Stafford.* That is as good as a Jew.

Mr. *Treby.* The Queſtion is not intended for any harm, not with any purpoſe to criminate him, 'tis only in regard of his Credit in this matter.

*L. H. Stew.* Call another Witneſs, my Lord.

*L. Stafford.* Where is *George Leigh?* *(Who ſtood up)*

*L. H. Stew.* How old are you? *Leigh.* I am about fifteen or ſixteen.

*L. Stafford.* My Lords, I believe he is eighteen or nineteen.

Mr. *Treby.* Whoſe ſervant is he?

*L. Stafford.* He is my Servant, he hath ſerved me ſeven or eight years.

*L. H. Stew.* What does your Lordship call him for?

*L. Stafford,* To tell you, whether I bid my Servants to go out when *Dugdale* came in, and whether ever he ſaw *Dugdale* and I alone.

*L. H. Stew. George Leigh,* How long have you lived with my Lord *Stafford?*

*Leigh.* Seven years the 10. of *June* laſt.

*L. H. Stew.* Why then you were but nine years old when you came to him?

*Leigh.* No, my Lords, I think I was not.

*L. High Stew.* Do you remember when my Lord *Stafford* was at *Tixall?*

*Leigh.* I do not remember the month very well.

*L. H. Stew.* Do you remember the time of the Race at *Etching*-Hill?

*Leigh.* I do not remember the day, but I was at it.

*L. H. Stew.* Did Mr. *Dugdale* come into your Lords chamber that morning?

*Leigh.* I do not remember he was there that very morning.

*L. Stafford.* Be pleaſed to ask him, whether ever I bid him go out of my chamber when *Dugdale* was there.

*L. H. Steward.* Did you ever see *Dugdale* any other morning in your Lords Chamber?

*Leigh.* My Lords, I think not, I am not certain, he was there one morning and it was about a Race, but I am not certain what Race it was, whether it was two Boys ran or two Men.

*L. H. Steward.* Did your Lord bid you go out of his Chamber?

*Leigh.* No, my Lords.

*L. Stafford.* *Dugdale* says, I often sent him for him, pray ask him that Question.

*L. H. Stew.* My Lord, this Boy does not remember that *Dugdale* at all was at your Chamber that time of the Race at *Etching*-Hill; so that it is not material to the thing in question.

*L. Stafford.* Yes, my Lords, *Dugdale* told your Lordships yesterday, that *I* sent this Boy often for him. *L. H. Stew.* Did ever this Boy come for you?

Mr. *Dugdale.* Yes, he hath *I* am sure come to my Chamber for me to go to my Lord.

*L. H. Stew.* Were you sent for by my Lord more than once?

Mr. *Dugdale.* Yes, several times. *L. H. Stew.* Before or after the Race?

Mr. *Dugdale.* Both before the Race and after the Race.

*L. H. Stew.* By whom were you sent for?

Mr. *Dugdale.* Sometimes by the Gentleman that was last examined, and sometimes by this Boy.

*L. H. Stew.* Did you ever come from my Lord *Stafford* to bid *Dugdale* come to him? *Leigh.* My Lords, I do not remember that ever *I* did.

*L. H. Stew.* 'Tis an hard thing to remember so long.

*L. Stafford,* If ever he came once to me, and was alone with me, *I* will be content to acknowledge all this to be true. Pray ask the other man, if ever *I* sent him for him.

*L. H. Stew.* He did testifie before, that he came with him that day to your Lordships Chamber.

*L. Stafford.* That day, my Lords, But he says other days *I* sent for him.

*L. H. Stew.* Call *Furnese* again. (*Who stood up.*) *Furnese,* did my Lord *Stafford* ever send you for *Dugdale,* either before or after the Race?

*Furnese.* Never, my Lords, to his Chamber.

*Lord High Stew.* Did he ever in his life send you to Mr. *Dugdale* to speak with him as you remember? *Furnese.* Never, my Lords.

*L. Stafford.* He was, my Lords, such a Fellow *I* could not endure he should come near me, such an Impudent lying Fellow.

*L. H. Stew.* Have you any more Witnesses, my Lord.

*L. Stafford.* Yes, a great many. *L. H. Stew.* Call them all, *I* pray.

Lord *Stafford.* My Lords, *I* hope you think *I* would not be so great and impudent a Fool to employ such a Fellow as this, who not long after run away from my Lord *Aston's.*

*L. H.*

L. H. *Steward.* Who did?

Lord *Stafford.* *Stephen Dugdale.* And for that, if you pleaſe, I would call ſome Witneſſes.

*L. H. Stew.* Call *Furneſe* again. (*who ſtood up.*) Did you ever ſee *Dugdale* and my Lord *Stafford* together?

*Furneſe.* Never in my life.

*L. H. Stew.* Why, you ſaw them together that morning you brought him to the Chamber.

[*Then the Auditory laughed.*

*Furneſe.* Never alone.

*L. Stafford.* I did not think *I* was in a Cock-Pitt, or a Play-Houſe. But if your Lordships pleaſe to let me call my Witneſſes to prove, That *Dugdale* ran away from my Lord *Aſton*, I ſhall call for that *Thomas Sawyer.*

(*Who ſtood up.*)

*L. H. Stew.* What is your Name?

*Witneſs. Sawyer.*

*L. H. Stew.* Your Chriſtian Name?

*Witneſs. Thomas.*

*L. H. Stew.* Who do you live withall?

*Sawyer.* My Lord *Aſton.*

*L. H. Stew.* Where do you live?

*Sawyer.* At *Tixall.*

*L. H. Stew.* Are you my Lord *Aſton*'s Servant?

*Sawyer.* Yes.

L. H. *Stew.* How long have you been ſo?

*Sawyer.* Six years and ever ſince *Michaelmas.*

L. H. *Stew.* What have you to ſay?

*Sawyer.* As to *Dugdale*'s reputation, I have this to ſay, How that he went from my Lord *Aſton*'s for debt, and was taken by the Watch at *Heywood.*

*L. H. Steward.* When was that?

*Sawyer.* The latter end of *November* or the beginning of *December.*

L. H. *Steward.* What Year?

*Sawyer.* (78.)

*L. H. Stew.* Then the Family broke up.

*Sawyer.* And coming thither, and being taken by the Watch, he was brought by the Juſtices to *Tixall*; and after the Juſtices had been with my Lord, their reſolution was, to carry him to the Gaol. So coming to *Tixal* where *Dugdale* was, at an Ale-houſe, he deſired me to go to my Lord, and deſire him that he would own him as his Servant, for he was ſo much in debt that he ſhould elſe be undone for ever. In the mean time Mr. *Philips* the Parſon of the Town had been with my Lord (for *Dugdale* had deſired him to go to him alſo) and he asking me whither

I was going, said I, I am going to my Lord, from *Dugdale*, to desire him to own him as his Servant, said he, I have been with my Lord just now, and he said, he will not own him as his Servant; it was his own act and deed. So Mr. *Philips* and I came back to him, and told him. So he sat down in the Chair, and then rose up again, and swore, He would be revenged of my Lord *Aston* if ever it lay in his power.

*Lord High Steward.* You never heard him say, he would be revenged of my Lord *Stafford*, did you?

*Sawyer.* No, of my Lord *Aston*. Then another time, being at *Stafford*, he owed me Twenty nine Pounds, and he was under the Serjeants hands, and then he promised me from time to time he would pay me, and did not keep his word. This was three or four days before he begun to peach. He bid me come such a day, and he would pay me part of the money; and when I came thither, he told me, it was reported, That he should be a Peacher; and that there was a speech, how that he should have two hundred pounds for informing, that there were Fourteen Priests in the Country; but he takes a Glass of Drink, and *Thomas*, says he, by God, I wish this may be my Damnation and my Poison, if I know of any Plot, or any Priests.

*L. H. Steward.* Was not he a Papist then?

*Sawyer.* I cannot absolutely tell that, whether he was or no.

*L. H. Steward.* Do you know one Father *Evers*?

*Sawyer.* My Lords, I have seen him.

*Lord High Steward.* Hath he never been at *Tixal*?

*Sawyer.* Yes My Lords, I have seen him there.

*L. H. Stew.* And have not you seen *Dugdale* in his Company?

*Sawyer.* Yes I have.

*L. H. Stew.* Did not you at *Tixal* think *Dugdale* a stout able Fellow?

*Sawyer.* No, he never was accounted to be so.

*L. H. Stew.* Then I ask you, if you thought him an honest man, or a rich man?

*Sawyer.* No, my Lords; for I'll tell you more than that, my Lord *Aston* employed him to be his Bayliff, and receive his Rents, and to pay Workmen their Wages, which he received every Saturday; and my Lord *Aston* did Accompt with him, where he did set his hand to receive the poor Workmens Wages according to their Bills, when they had not been paid some of them whole years, and half years, and quarters. And they came and cryed to my Lord, that they were not paid; and thereupon *Dugdale* did say, That one of them had demanded more of my Lord than was his due; for he said he had reckoned such a day with him, and paid him so much money; which man said he was not that day at *Tixal*, and so he hindred him of part of his money.

*L. H. Stew.* Did you ever know that *Dugdale* did forswear himself?

*Sawyer.* That I do not know, my Lords. I did hear he was concern'd in a Racc,

Race, about which there was a Tryal and a Diſpute which had won. (This I have heard by report.)

Sir *Fr. Winn.* Speak your own knowledge, not Reports.

*L. H. Stew.* I ask you; do you remember the day when my Lord *Stafford* came to *Tixal?*

*Sawyer.* He came on the 12. day of the month.

*L. H. Stew.* What, *September?*

*Sawyer.* Yes, the 12. of *September.*

*L. H. Stew.* Did you ever ſee *Dugdale* in the Company of my Lord *Stafford*, while he was at *Tixal?*

*Sawyer.* No, never in the Houſe, but at the Race, he hath come into the Parlour.

Mr. *Treby.* You had Diſcourſe with *Dugdale*; you ſay he took a Glaſs and drank, and wished it might be his Poyſon. Was not Father *Evers* that time at my Lord *Aſton's?*

*Sawyer.* Not as I know of, my Lords.

Mr. *Treby.* Was he not commonly there?

*Sawyer.* Yes.

Mr. *Treby.* If he were, Mr. *Dugdale* muſt know it; and how then could he take a Glaſs and wish it were Poyſon if he knew where any Prieſt was, ſince it was apparent he knew where that Prieſt was? 'Tis moſt improbable Mr. *Dugdale* should ſay thus!

*Sawyer,* My Lords, this was three or four days e're he confeſſed any thing he knew of his knowledge.

Mr. *Treby.* What Perſwaſion of Religion are you?

*Sawyer.* Of the Church of *England.*

Mr. Serj. *Maynard.* Pray, my Lords, ask him one Queſtion; he ſays *Dugdale* went away from my Lord *Aſton's*: was not there a ſpeech of a Plot (at that time) that was diſcovered?

*Sawyer.* Yes, that I heard.

Sir *Fr. Winn.* My Lords, I would ask him one Queſtion more: Was there no diſcourſe of the Death of a Juſtice of Peace that was ſaid to be killed in *London* about that time?

*Sawyer.* To my beſt remembrance, as I heard, there was.

Mr. *Dugdale.* My Lords, if your Lordships pleaſe that I should call Witneſſes to confront him now, or afterwards?

Sir *Will. Jones.* Not now; ſtay till your time comes.

*L. Stafford.* Then call *Philips.* (*who ſtood up.*)

*L. H. Stew.* What is your Name, Sir?

*Witneſs. Ralph Philips.*

*L. H. Stew.* What are you, a Clergy-man?

Mr. *Philips.* Yes.

*L. H. Stew.* Are you beneficed?

Mr. *Philips.* Yes, my Lord.

*L. H. Stew.* Where?

Mr. *Philips.* At *Tixal*, my Lord.

*L. H. Stew.* You are a perſon that knows the Obligation that lies upon you to give a true Teſtimony; what can you ſay of Mr. *Dugdale?*

Mr. *Philips.* My Lords, I have very little to ſay concerning *Stephen Dugdale* as to any thing of the Plot, but in reference to what he ſhould relate concerning Mr. *Sambidge* and me in the Narrative which he depoſed upon the Tryal of Sir *George Wakeman:* He ſaid then he did receive a Letter concerning the death of Sir *Edmundbury Godfrey*, which was dated the 12. of *October*, as I remember; and that he did communicate the Letter to Mr. *Sambidge* and me immediately the next *Tueſday:* Whereas I will aſſure you, my Lords, I never heard neither by Letter nor word of mouth from him nor any other, till it was publickly known.

*L. H. Stew.* You did not live in my Lord *Aſton*'s houſe, did you?

Mr. *Philips.* No, my Lords.

Sir *Will. Jones.* We know not what he ſays; we deſire to underſtand what he means.

*L. H. Stew.* He takes notice that *Dugdale* at the Tryal of Sir *George Wakeman* did depoſe touching a Letter dated the 12. of *October*, which ſhould come down to *Tixal*, intimating the death of Sir *Edmundbury Godfrey*, and that he did communicate that with the Parſon of *Tixal* and another; which Parſon comes now to ſay, He did communicate no ſuch a matter to him.

Sir *Will. Jones.* We deſire to ask him whether he was preſent at that Tryal, and heard him ſay ſo?

Mr. *Philips.* I was not preſent at the Tryal; but if the Narrative of the Tryal be truth, he did ſay ſo.

*L. H. Stew.* So then you only come to diſprove what is printed that *Dugdale* ſhould ſay.

Mr. *Philips.* Then I leave it to your Judgments, whether what he ſaid in the Narrative of that Tryal, do concur with the Truth.

*L. Stafford.* I deſire then to ask him whether *Stephen Dugdale* did not run away from my Lord *Aſton*'s, and would have him go to my Lord to own him for his Servant.

*L. H. Steward.* What do you know of *Dugdale*'s running away?

Mr. *Philips.* I know nothing at all of that, my Lords.

*L. Stafford.* Whether he did ſpeak to him for his Servant when he was in the Juſtices hands.

*L. H. Stew.* Can you ſay any thing touching the Credit of *Dugdale?*

Mr. *Philips.* I have nothing to ſay concerning *Dugdale*'s Credit.

*L. H. Stew.*

L. *H. Stew.* Did you know him?

Mr. *Philips.* Yes, ever ſince I came to *Tixal?*

L. *H. Stew.* How long is that?

Mr. *Philips.* About fourteen years.

L. *H. Stew.* What Reputation had he in the Country? was he looked upon as one that would perjure himſelf?

Mr. *Philips.* I never knew any thing of that.

*Lord High Steward.* Was he thought a ſtout man?

Mr. *Philips.* He was in good repute with ſome, and indifferent with others.

L. *H. Stew.* Will you call any more Witneſſes, my Lord?

L. *Stafford.* I would only ask him one Queſtion; Whether he did go to my Lord *Aſton* from *Dugdale*, to know if he would own him for his Servant?

*Lord High Steward.* What ſay you, Sir, did you?

Mr. *Philips.* Yes, my Lords, he knows very well I did; he did requeſt me to go to him. My Lord *Aſton* I was loth to go to, becauſe I had no familiarity with him, nor Intereſt in him; but he did requeſt and urge me ſo much, that I did go by much motives and perſuaſions from him, and I did ſpeak to my Lord; ſo I told him the Meſſage I had was from Mr. *Dugdale*, who would requeſt of my Lord that he would own him for his Servant; for if he did not, he knew not what to do with himſelf: but if he did, he might be free from the Gaol and from the Oaths, and eſcape the Troubles that were upon him. So my Lord replyed to me, 'Tis his own act and deed, and I have nothing to do with him, and let the Juſtices do what they will with him; which were Sir *Walter Bagott* and Mr. *Kinnerſley*.

Mr. *Foley.* We deſire to know whether he heard any diſcourſe about a Plot at that time, or no.

Mr. *Philips.* Truly, my Lords, I heard a talk of a Plot, but not at that time.

Mr. *Foley.* My Lords, I deſire to know if he took Mr. *Dugdale* for a perſon that might be in the Plot, if there was any ſuch thing.

Mr. *Philips.* I cannot tell how to anſwer that, 'tis an hard Queſtion; I am not ſo intimately acquainted with perſons whoſe ſecrets are not repoſed in me.

L. *Staff.* The next Witneſs I deſire may be (with the leave of the Gentlemen of the Houſe of Commons) Sir *Walter Bagott*, I did deſire him to be here.

Sir *Will. Jones.* There he is, we do not oppoſe it.

L. *H. Stew.* Is it your Lordships pleaſure that Sir *Walter Bagott* be heard in his place? *Lords.* Yes.

Sir *Walter Bagott.*

L. *H. Stew.* What would you ask Sir *Walter*, my Lord?

L. *Staff.* My Lords, I deſire to ask Sir *Walter Bagott*, whether he did not apprehend *Dugdale*, and upon what account it was?

L. *H. Stew.* Sir *Walter Bagott*, my Lord deſires to know of you, whether you did apprehend *Dugdale*, and upon what account?

Sir

Sir *Walter Bagott.* My Lords, Mr. *Dugdale* was taken at an unſeaſonable time of night and brought to me the next morning by the Watch, as the other Witneſſes have told your Lordships, and I took him away to *Stafford*, where there were ſeveral other Juſtices of the Peace; there we offered him the Oaths of Allegiance and Supremacy, which he took. After the taking of theſe Oaths, we told him, that he was a likely man to know ſomething of the Plot, and it was a very proper time for him to diſcover it to us that were Juſtices: he at that time did deny the knowledge of it, that is all *I* can ſay.

Lord *Stafford.* I deſire Sir *Walter Bagott* may be asked whether he did not go to my Lord *Aſton*, to ſee whether he would own *Dugdale* as his Servant.

*L. H. Stew.* Did you ask my Lord *Aſton* to own him for his Servant.

Sir *Walt. Bag.* Yes, I did: for my Lords houſe being in the way to *Stafford*, whither I was going, I called upon him to know if Mr. *Dugdale* were his Servant: he told me he was no ſervant of his, and he would not receive him: Upon which I and another Juſtice of the Peace that was with me, took him to *Stafford*. The occaſion of our meeting there, was to ſummon in the Militia, upon an Alarm of the Papiſts being riſen in *Derbyshire*.

*L. Stafford.* I make this uſe of it, my Lords, that my Lord *Aſton* would not receive him: and if my Lord *Aſton* had known he had been in the Plot, and could have diſcovered him, he would not have diſobliged him.

*L. H. Stew.* Nay, he ſays more then that, which you don't hear, he ſays when they examined him, they gave him the Oaths of Allegiance and Supremacy, and then told him he would do well to diſcover his knowledge of the Plot? and then he did not own any thing he knew? nay, he denyed it.

Mr. *Foley.* Did he deny the knowing of it.

Sir *Walter Bagott.* Yes, he did then.

Sir *Fran. Win.* He was not reſolved to diſcover at that time.

Mr. *Serj. Maynard.* We deſire Sir *Walter Bagott* may be asked whether he examined him upon his Oath or no.

Sir *Walter Bagott.* No, I did not.

Mr *Serj. Mayn.* But had they then juſt given him the Oaths of Allegiance and Supremacy?

Sir *Walter Bagott.* Yes, my Lords, we gave him thoſe Oaths, and thoſe only.

*L. Stafford.* Then Mr. *Kinnerſley*, if you pleaſe, (*who ſtood up*) Be pleaſed to ask this worthy Gentleman what he knows about *Dugdales* going from my Lord *Aſton*.

*L. H. Stew.* Firſt let us know this Gentleman.

*L. Stafford.* His name is *Kinnerſley*.

*Mr. Kinnerſley.* What Queſtions would your Lordship ask me?

*L. Stafford.* What you know about *Dugdales* going from my Lord *Aſton*.

*L. H. Stew.* Mr. *Kinnerſley*, we muſt know your Chriſtian Name.

Mr. *Kinnerſley. Thomas.*

*L. H. Stew.*

L. H. *Stew.* Do you know Mr. *Dugdale?*

*Mr. Kinnersley. My Lords*, I was not acquainted with Mr. *Dugdale*, till Sir *Brian Broughton*, Sir *Walter Bagott*, and I and others gave him the Oaths of Allegiance and Supremacy, the latter end of *November*, or the beginning of *December*; I did not take notice exactly of the time.

*L. H. Stew.* What year?

*Mr. Kinnersley.* (78)

L. H. *Stew.* Well, Sir, go on.

*Mr. Kinnersley.* When he had taken the Oaths of Allegiance and Supremacy, I asked him if he knew any Treason or Conspiracy against the King, telling him it was a seasonable time to declare it. He told me he knew of none. This is all I know, and all the discourse that I remember we had with Mr. *Dugdale.*

*Mr. Serj. Maynard.* Pray why did you ask him that Question?

*Mr. Kinnersley.* The Plot was then newly broken out.

*Mr. Serj. Maynard.* Why did you ask him so particularly?

*Mr. Treby.* Why did you think Mr. *Dugdale* concerned in it?

*Mr. Kinnersley.* Because we heard he was a Papist, and my Lord *Aston's* Servant.

*L. Staff.* Then I desire Sir *Thomas Whitegrave* may be examined. (*Who stood up.*)

*L. H. Stew.* What say you to Sir *Tho. Whitegrave*, my Lord?

*L. Staff.* Will *your Lordships* please to ask Sir *Tho. Whitegrave*, whether he did not examine *Dugdale* about the Plot, and what he said at that time?

Sir *Tho. Whitegrave. My Lords* I came to *Stafford* the latter end of *November*, or the beginning of *December*, I am not certain which, but I think it was this time two years. The Deputy-Lieutenants met about the Militia of the County. They told me that Mr. *Dugdale* was in Town, and was under an Arrest: the occasion of his coming to Town, was his refusal of the Oaths of Allegiance and Supremacy, which he had since taken. I proposed to them the sending for him, for I thought this was a fit opportunity to get something of him about the Plot. They seemed to approve of what I said; but withal, I told them it was not good to send for him till the Evening late, that the people of the Town might not take notice of his coming. At night we did send for him, and the Gentlemen desired that I would examine him at the end of the Table: so I called him up, and told him, I was sorry he was fallen into that misfortune to be Arrested, and that Mr. Mayor had not dealt well with him or us to take that advantage of him: that now he had taken the Oaths, I looked upon him as one of us, and would do him any kindness I could. He said, truly for his part, he was born a Protestant, and of Protestant Parents; and it was his misfortune to fall into the Houses of Papists, but he never liked their Religion. I then told him, Sir you may do your self a kindness, serve God and oblige your King and Country: I

am

am very confident you know of this horrid Plot; pray do not ſtifle your Conſcience with any Oath of Secrecy, but let it come out. Many I told him, ſtrained their Conſciences to ſerve their Intereſts, but you may clear your Conſcience, and at the ſame time promote your true Intereſt. He replyed, as he hoped to be ſaved he knew nothing of it. And this is as much as I know of the matter.

*L. H. Stew.* Do you ask him any Queſtion, Gentlemen?

*Managers.* No, my Lord.

*L. Staff. My Lords*, I ſhall humbly move *your Lordſhips* now, that you will pleaſe to take notice, this fellow, *Dugdale*, hath endeavoured to perſwade people to Swear againſt me falſly, and offered them money for it. In order to the proof of which, I deſire *your Lordſhips* would call *John Morrall*, *Samuel Holt*, and *William Robinſon*. *Then* Robinſon *ſtood up*.

L. *Staff.* This man I never ſaw before in my life.

*L. H. Stew.* What is your name?

*Witneſs. Robinſon.*

*L. H. Stew.* What is your Chriſtian Name?

*Robinſon. William.*

*L. H. Stew.* Where do you live?

*Robinſon.* In *Worceſterſhire* now.

*Lord H. Stew.* With whom?

*Robinſon.* With my ſelf now.

L. *H. Stew.* Do you know *Dugdale?*

Sir *Fr. Winn.* We deſire he may give you an account what Profeſſion he is of.

*Robinſon.* An Upholſter.

Sir *Fr. Winn.* How long he hath lived in *Worceſterſhire*, and in what place there?

*Robinſon.* I have lived half a year in *Worceſterſhire* half a mile beyond *Worceſter.*

Sir *Franc. Win.* And whether he follows that Trade or Profeſſion now or no?

*Robinſon.* No, I do not follow it now.

Sir *Fr. Winn.* What do you live upon, and how?

*Robinſon.* I live of my ſelf now.

*L. H. Stew.* How is that?

*Robinſon.* Of my own Money.

Mr. *Hambden.* We deſire to know whether this man was a Servant to my Lady *Gerard* or no.

*Robinſon* Never.

Mr. *Hambden* Or to my Lord *Gerard* of *Gerards Bromley.*

*Robinſon.* Never, not an hired Servant, my Lords.

Mr. *Foley.* Were you a volunteer Servant, or what were you?

*Mr. Treby.* Did you work at any time there for my Lord or Lady *Gerard?*

*Robinſon.* No.

*L. H. Stew.*

*L. H. Stew.* How came you to live there?

*Robinson.* I went over from a Cocking out of *Cheshire.*

*L. H. Stew.* How long were you there?

*Robinson.* Three weeks or a month.

L. *H. Stew.* What was your Employment there?

*Robinson.* Nothing at all, I followed no Employment.

*Mr. Treby.* What kind of servant were you then?

L. H. *Stew.* Come, do you know *Dugdale?*

*Robinson.* Yes.

L. *H. Stew.* How long have you known him?

*Robinson.* I have known him about five years.

*L. H. Stew.* What say you to him?

*Robinson.* I say, I met Mr. *Dugdale* about Midsummer was twelve-month in *London*, about *Charing-Cross*, and he carried me to the *Harp* and *Ball*, and gave me Beer and Mum, and such as the House did afford, and treated me, and asked me what made me so dejected and cast down. I told him I was not well, I was poorer than I used to be. He told me again, I should not want any money that he had; and if I would please to be ruled by him, and do what he would have me, he would furnish me with money. And he took his Handkerchief out of his pocket, and bid me, if I wanted, take money there. I took none, but told him, I would not meddle nor make with any thing that night. Then he told me he could furnish me with money, and put me in a way to get money, if *I* would come in as an Evidence against my Lord *Stafford.*

L. *Stafford.* Be pleased to ask him, for *I* never saw the man before, nor heard of him till last week, what he should say against me, and whether he knew me or not?

*L. H. Stew.* Did he tell you what you should say against my Lord *Stafford?*

*Robinson.* Nothing at all, my Lords.

*L. Staff.* Did he say any thing or nothing? Or did he ask whether he knew me or not?

L. *H. Stew.* Did you tell him you knew my Lord *Stafford?*

*Robinson.* No, if it please you, I told him I did not know him.

*L. H. Stew.* And after you said you did not know him, he offered you money to swear against him. Did he?

*Robinson.* Yes, my Lords, he did so, to come in as an Evidence against him.

L. *Staff.* Will your Lordships please to ask how much money there was in the Handkerchief?

L. *H. Stew.* How much money was in the Hankerchief?

*Robinson.* I believe there might be eight, or nine, or ten pounds.

*L. H. Stew.* Did he offer you all the money, or bid you take some?

*Robinson.* He bid me take some.

*L. H. Stew.* Did he make any agreement with you for what you should take?

*Robinſon.* No, not at all, my Lords.

Mr. *Foley.* Did he ſee *Dugdale* any more, or was there an end of it then?

*Robinſon* No, I ſaw him no more.

*L. H. Stew.* Will you ask him any more Queſtions?

Sir *W. Jones.* We ſhall have occaſion to ſpeak of him (we deſire he would not go away) when our time comes.

*(Then another Witneſs ſtood up.)*

*L. H. Stew.* What is your Name?

*Witneſs. John Morrall.*

*L. H. Stew.* What are you?

*Morrall.* A Barber.

*L. H. Stew.* Where do you live?

*Morrall.* At *Ridgley.*

*L. H. Stew.* Where is that?

*Morrall.* In *Staffordſhire*, within ſix miles of *Stafford.*

*L. H. Stew.* What do you ask him?

*L. Stafford.* Whether *Dugdale* did not perſwade him to ſwear againſt ſome of the Lords in the *Tower?*

*L. H. Stew.* Do you know *Dugdale?*

*Morrall.* Yes, my Lords, I have known him twelve or thirteen years.

*L. H. Steward.* What can you ſay againſt him?

*Morrall.* My Lords, this Mr. *Dugdale*, the 6. of *Auguſt* laſt was twelve-month, ſent for me to the White Horſe in *Ridgley*, and there when I came to him, he told me I knew as much of the Plot as he. I told him I was innocent of the thing; he ſwore God damn him, that I knew as much as he: Then I told him, if he knew no more than I did, he knew no more than my Lord Mayor's great Horſe did. Then he took me aſide; Come, ſays he, you are a poor man, and live poorly; I can put you in a way whereby you may live gallantly; I will give you 50 *l.* in hand, if ſo be you will do ſo and ſo, and 50 *l.* more when the thing is done.

*L. H. Stew.* What do you mean by ſo and ſo?

*Morrall.* To ſwear againſt Mr. *Howard*, Sir *James Symons*, and ſeveral other Gentlemen of the Country.

*L. H. Stew.* Did he offer you any mony to ſwear againſt my Lord *Stafford?*

*Morrall.* No, I did not hear him mention any thing of him.

*L. H. Stew.* But he offered you mony to ſwear againſt *Symons* and *Howard?*

*Morrall.* Yes, my Lord; and *Herbert Aſton* my Lord *Aſton*'s Kinſman.

*L. H. Stew.* What were you to ſwear?

*Morrall.* That they were at ſuch a Meeting at Mr. *Herbert Aſton*'s upon the Conſpiracy of the Plot.

*L. H. Stew.* Will you ask him any thing?

*Managers.* No, ſet him by.

*Then*

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*Then another Witneſs ſtood up.*

L. *H. Steward.* What is your Name?

*Witneſs.* *Samuel Holt.*

*L. H. Stew.* What Profeſſion are you?

L. *Stafford.* Pray, my Lords, ask him whether *Dugdale* would perſwade him to ſwear that which he knew not.

L. *H. Steward.* What Profeſſion are you of?

*Holt.* A Proteſtant of the Church of *England.*

*L. H. Stew.* What Trade?

*Holt.* A Blackſmith.

*L. H. Stew.* Where do you live?

*Holt.* At *Tixal.*

*L. H. Stew.* Are you my Lord *Aſton*'s Servant?

*Holt.* No, my Lords.

*L. H. Stew.* What ſay you?

*Holt.* My Lords, he ſent a man and a Horſe for me to *Stafford* to the Star.——

*L. H. Stew.* Who did?

*Holt.* Mr. *Dugdale* did. And there I waited upon him a good while. At length he came and told me he muſt ſpeak with me privately; ſo he told me if I would ſwear that *Walter Moor* carried *Evers* away, he would give me 40 *l.* And he bid me not be afraid to ſwear for fear of my Lord *Aſton*; for he would hire me an Horſe and get me to *London*, and place me, that where I got one ſhilling I ſhould get five.

*L. H. Stew.* Did you know *Evers*

*Holt.* Yes, my Lords, I have ſeen him.

*L. H. Stew.* Do you know when he went away from *Tixal*?

*Holt.* No, my Lords.

*L. H. Stew.* What elſe can you ſay?

*Holt.* Nothing elſe,

*L. H. Stew.* Will you ask him any Queſtions, Gentlemen?

*Managers.* No.

*L. Stafford.* The next thing I go upon is, that *Stephen Dugdale* at the Tryal of the five Jeſuits, ſwore, That he acquainted *Sambidge* with the Letter about the death of Sir *Edmundbury Godfrey* the Munday or Tueſday after; which Mr. *Sambidge* denies. And in order to that, I call Mr. *Sambidge*; but if your Lordſhips pleaſe, I ſhall firſt prove that he ſwore it then. Where is Mr. *Lydcott?* (*who ſtood up.*) I deſire to ask him whether *Dugdale* did ſwear at the Tryal of the five Jeſuits, that he acquainted Mr. *Sambidge* with the Letter about the death of Sir *Edmundbury Godfrey.*

L. *H. Stew.* You fellow.

*Witneſs.* My Lord.

*L. H. Stew.* What is your Name?

*Witness.* *John Lydcott.*

*L. H. Stew.* How do you live?

*Lydcott.* I am a Fellow of *Kings Colledge* in *Cambridge.*

*L. H. Stew.* What do you come to say?

*Lydcott.* I don't know, my Lords; what my Lord will ask me.

Sir *Will. Jones.* My Lords, before you enter into the examination of this man, we desire to ask him a Question or two.

Mr Serj. *Mayn.* Whose Servant are you, or were you lately?

*Lydcott.* I am Fellow of *Kings Colledge.*

Mr. Serj. *Maynard.* But whom did you serve lately? were you never Secretary to a Lord?

*Lydcott.* Yes, I was.

Mr. Serj. *Mayn.* To what Lord?

*Lydcott.* To my Lord *Castlemain*, Sir.

*L. H. Stew.* What Religion are you of?

*Lydcott.* Of the Church of *England*, and always was; nay I can't say always, for I was bred up a Presbyterian: my Father was a Colonel under *Monk.*

L. *Stafford.* Mr. *Lydcott.* I ask whether you did not hear Mr. *Dugdale* swear at the Tryal of the five Jesuits.

Mr. Serj. *Mayn.* I desire one favour, my Lords; my Lord *Stafford* asks Questions to lead the Witness.; pray let him ask his Questions more generally.

*L. H. Stew.* You say you are a Protestant.

*Lydcott.* Yes, my Lords.

*L. H. Stew.* When did you last receive the Sacrament?

*Lydcott.* When I was last at *Cambridge.*——No not so; for it is not above a year ago that I was there.

*L. H. Stew.* When then did you receive the Sacrament?

*Lydcott.* I do not exactly remember, my Lords.

*L. H. Stew.* My Lord, I would be glad to know what is the Question your Lordship calls him for, that your Lordship may not ask the Question but by me.

L. *Stafford.* My Lords, I desire to know (for my part I know not what his Answer will be) whether he did hear at the Tryal of the five Jesuits, *Dugdale* swear he had communicated the news of *Sir Edmundbury Godfrey's* death, which was on the Saturday, on the Tuesday after to any people, and to whom.

*L. H. Stew.* Were you at the Tryal of the five Jesuits?

*Lydcott.* Yes, I was.

*L. H. Stew.* Did you hear *Dugdale* swear there, and give his Testimony?

*Lydcott.* Yes, I did.

*L. H. Stew.* Do you remember what *Dugdale* swore then?

*Lydcott.* Very well.

*L. H. Steward.* What was it?

*Lydcott.* My Lords, Mr. *Dugdale* ſpoke of a Letter that came down to my Lord *Aſton's* on the Munday, and he imparted it on the Tueſday after, at an Alehouſe, to one Mr. *Sambidge* and Mr. *Philips*; This was alſo at Sir *George Wakeman's* Tryal, which I took notice of more particularly, becauſe I had occaſion to take ſome Notes there.

*L. H. Stew.* What uſe do you make of this, my Lord?

*L. Stafford.* If that be allowed to be ſo, then I will call no more Witneſſes, otherwiſe I have more.

*L. H. Stew.* Call them all.

Lord *Stafford?* Then call Mr. *Charles Gifford.*

Mr. Serj. *Mayn.* Pray, my Lords, give me leave to ask this young Scholar one Queſtion before he goes; By whoſe commendation or means did you come into that Colledge?

*Lydcott.* By Election from *Eaton.*

Mr. Serj. *Mayn.* Who promoted you?

*Lydcott.* One Mr. *Doyley*, now Senior Fellow of *Kings Colledge*; it was his Election.

Sir *Fran. Winn.* My Lords, I would ask him one Queſtion. He ſays he went to take Notes; by whoſe direction did he go to take Notes at Sir *George Wakeman's* Tryal?

*Lydcott.* It was for my own curioſity.

*L. H. Stew.* Friend, 'tis all one as if you were upon your Oath, and as penal to you; by whoſe direction did you go?

*Lydcott.* It was partly my own curioſity, and partly to ſee what Evidence was againſt my Lord; for my Lord *Caſtlemain* thought himſelf concerned as well as others, and therefore deſired me to go.

Sir *Fr. Winn.* Now it is out.

Sir *W. Jones.* It was done like a Secretary.

*L. H. Steward.* Had you ever that curioſity before?

*Lydcott.* Yes, I'll aſſure your Lordſhips, I had a great curioſity to hear it.

L. H. *Stew.* Were you at any other Tryal?

*Lydcott.* Yes, at the five Jeſuits Tryal, and *Langhorns.*

*Then another Witneſs ſtood up.*

*L. H. Steward.* What is your Name?

*Witneſs. Charles Gifford.*

*L. Stafford.* Ask him whether he did not hear at the Tryal of the five Jeſuits, or Sir *George Wakeman, Dugdale* ſay, that he did communicate that Letter to ſome people, I name not who, the Tueſday after?

*L. H. Stew.* Were you at the Tryal of the Five Jeſuits?

*Gifford.* Yes, my Lords.

L. H.

*L. H. Stew.* Did you take Notes?

*Gifford.* Yes, my Lords, I was ſummoned there as an Evidence; I had occaſion of being there, both at the Five Jeſuits Tryal, and *VVakemans* and *Langhorns*.

*L. H. Stew.* You took Notes you ſay?

*Gifford.* Yes I did.

*L. H. Stew.* What do you remember that Mr. *Dugdale* did then ſwear?

*Gifford.* I remember at the Five Jeſuits Tryals, he did ſwear he received a Letter ſent to *Evers* which he intercepted, and it ſpoke of the death of a Juſtice of Peace; and he returned Anſwer to *Evers* again, he would be hanged if it did not ſpoil the buſineſs. And he ſaid farther, he could not hold, but went to an Alehouſe, and there he did impart it: but then he did ſay there was one that could teſtifie and make out what he ſaid; upon which, he called Mr. *Chetwyn*, who depoſed much to the ſame purpoſe. And then at Sir *George VVakemans* Tryal he did poſitively declare, that he ſpoke of it at an Alehouſe to a Miniſter, Parſon *Philips*, and my Lord *Aſton*'s Kinſman.

*L. H. Steward.* What is his Name?

*Gifford.* Mr. *Sambidge.*

*L. Stafford.* Well, my Lords, I have no more to ſay to him; but I conceive by this 'tis plain, that *Dugdale* did then ſay, he had communicated it to Mr. *Philips* and Mr. *Sambidge*. I ſhall call Mr. *Sambidge* to give you an account.

*Mr.* Sambidge *ſtood up.*

*L. Stafford.* Be pleaſed to ask him whether he did hear Mr. *Dugdale* ſay on the Tueſday, that Sir *Edmundbury Godfrey* was murdered the Saturday before.

L. H. *Stew.* You hear the Queſtion, anſwer it.

Mr. *Sambidge.* Who muſt I ſpeak to?

*L. Stafford.* He is very deaf and very old, my Lords.

*Then the Black Rod was ſent to be near him, to put the Queſtion to him.*

*Black Rod.* What would you have him asked, my Lord?

Lord *Stafford.* Whether Mr. *Dugdale* did tell him on the Tueſday, that Sir *Edmundbury Godfrey* was murdered the Saturday before.

*Black Rod.* Did Mr. *Dugdale* tell you of the Tueſday, that Sir *Edmundbury Godfrey* was murdered the Saturday before?

Mr. *Sambidge.* No, my Lords, he never told me any ſuch thing, I take it upon my ſalvation. I never heard it till Friday or Saturday he was found at *Bury hill*.

Lord *Stafford.* Ask him if he were with *Dugdale* at the Alehouſe the Tueſday before.

Mr. *Sambidge.* *Dugdale* never ſpoke any ſuch thing to me.

*L. H. Stew.* Were not you with him at the Alehouſe?

Mr. *Sambidge.* No.

*L. H. Stew.* Not on Munday?

Mr. *Sambidge.* No.

L. H:

*Lord H. Stew.* Nor on Tuesday?

Mr. *Sambidge.* No.

*L. H. Stew.* Nor Wednesday?

Mr. *Sambidge.* Not as I know of.

Sir *W. Jones.* We shall prove he was,

*L. Stafford.* Pray ask him what Reputation *Dugdale* hath in the Country?

Mr. *Sambidge.* Oh the wickedst man that ever lived upon the face of the earth; I know great part of it my self, and a hundred and a hundred of people will say as much.

*L. H. Stew.* What Religion are you of?

Mr. *Sambidge.* I was never a Papist in my life, nor ever a Phanatick.

L. H. *Stew.* What do you know of *Dugdale* in particular that is ill?

Mr. *Sambidge.* Yes, my Lords, I'll tell you, he was a very abusive man, especially to the Clergy and most especially to Mr. *Philips*, with whom I boarded. My Lord *Aston* that is dead, came and told me of it. Said I, You are misinformed, for this *Dugdale* is a Knave & a Rogue, and all the Countrey ring of him for his wickedness; upon which he cites me into *Litchfield* Court for defaming him, and he entertains all the Proctors, that I could not get one to put in my Answer: but before the day came he discharged the Court, and never appeared; for we had that against him that he durst not appear.

*L. H. Stew.* What particulars do you know?

Mr. *Sambidge.* He said the Clergy of *England* was a lewd Clergy, and a pack of Rogues.

*L. H. Steward.* Gentlemen of the House of Commons, will you ask him any Question?

*Managers.* No.

*L. H. Stew.* Hath my Lord no more to say to him?

L. *Staff.* No, my Lords.

*L. H. Stew.* My Lord *Stafford*, go on; hath your Lordship done with *Dugdale*, or have you any more Witnesses?

*L. Staff.* No, my Lords, I have a great deal more to say to him.

L. H. *Stew.* Go on then.

*L. Staff.* My Lords, I conceive by this, 'tis proved to your Lordships, that *Dugdale* did at that Tryal declare, he had acquainted Mr. *Sambidge* and Mr. *Philips* with the Letter about the Death of Sir *Edmundbury Godfrey*, the Tuesday after he was murdered. And I conceive I have proved to your Lordships, by their denying it, that he did not tell them so; and so he is forsworn in that. I should now have humbly desired your Lordships, that you will please to call *William Day*: but upon asking the Question, I find he is not yet come to Town, and so I shall not trouble your Lordships with him, I desire that *Thomas Sawyer* may be called again.

*(Who stood up.)*

*L. Staff.*

*L. Stafford.* Pray be pleaſed to ask him, whether he did not hear *Dugdale* wish he might be damned, if he knew any thing of the Plot.

*L. H. Stew.* He ſaid that before.

*L. Stafford.* Then I beg your Lordships pardon, I shall not call him again.

*L. H. Stew.* Go on, my Lord.

*L. Stafford.* My Lords, there are a great many other Witneſſes which I could call; but it is to no purpoſe, and ſo I shall call no more as to *Dugdale.* I conceive upon the whole matter, his Reputation and Credit are gone, for he is forſworn before the Juſtices of Peace, in that he ſaid there was no Plot, and wished he might be damned if he knew of any Plot. I conceive 'tis alſo proved, that upon the Twentieth of *September*, when, he ſays, I did communicate with him about the Kings Death, he was only then with me upon his own deſire, and my ſervants were by; there was nothing diſcourſed of, but about the Foot-Race. And likewiſe as to what he ſwore in *Auguſt*, that I was at ſuch a meeting at *Tixal*, he is forſworn, for I was not there; and ſo I hope that Witneſs is laid aſide, no Creature will give any Credit to him, neither your Lordships, nor the Houſe of Commons.

*L. H. Stew.* Have you done with Mr. *Dugdale*?

*L. Stafford.* Yes, my Lords.

*L. H. Stew.* Whom will you proceed againſt next?

L. *Stafford.* Dr. *Oats.*

*L. H. Stew.* Call Dr. *Oats.*

*L. Stafford.* Only give me leave to ſay one thing, my Lords, that you were pleaſed to ſay, I should have Copies of the two Depoſitions of the Twenty fourth and Twenty ninth of *December.* And I had one to inquire, but can't find that of the Twenty ninth.

*Then* Dr. Oats *ſtood up.*

L. *H. Stew.* What ſay you to Dr. *Oats*, my Lord?

Lord *Stafford.* This Dr. *Oats*, if your Lordships pleaſe, I deſire may be asked when was the firſt time he ever ſaw me in his life.

L. H. *Steward.* When was the firſt time, Dr *Oats*, you ſaw my Lord *Stafford?*

Dr. *Oats.* My Lords, the firſt time I ſaw this Gentleman at the Bar, was, as near as I remember, at Mr. *Fenwicks.*

L, H. *Stew.* That was in *Drury-lane?*

Dr. *Oats.* Yes, my Lords.

L. H. *Stew.* When was that?

Dr. *Oats.* That was, as near as I remember, in *June?*

*L. H. Stew.* Was it that time the Commiſſion you ſpoke of was delivered?

Dr. *Oats.* Yes, my Lords.

*L. H. Stew.* Did you ſee that Commiſſion?

Dr. *Oats.* Yes, my Lords.

*L. H. Stew.* Did you read it?

Dr.

Dr. *Oats.* Yes, my Lords.

*L. H. Stew.* From whom was it?

Dr. *Oats.* I cannot be positive as to that; but as near as I remember, it was signed as the rest was signed.

*L. H. Stew.* How was that?

Dr. *Oats.* *Johannes Paulus Oliva.*

*L. H. Stew.* You read it?

Dr. *Oats.* Yes I did, my Lords.

*L. H. Stew.* It was a Commission to be Pay-Master of the Army, was it not?

Dr. *Oats.* Yes, it was.

*L. H. Stew.* And it was delivered to my Lord?

Dr. *Oats.* Yes, it was.

*L. H. Stew.* By the Name of Mr. *Howard* of *Effingham*?

Dr. *Oats.* Yes, my Lords.

*L. H. Stew.* What says your Lordship to this?

L. *Stafford.* What is it possible for me to say against this? I declare to your Lordships in the presence of God, I never saw the man in my life; I never went by any Name, since I had the Honour of being a Peer, but by the name of *Stafford*; I never heard of Mr. *Fenwick* the Jesuit, nor by the name *Thompson*, till this Plot was discovered, and he taken. This you may believe, or not, if you please; but this is as true as I am alive. My Lords, I desire I may have out of the Journals the Deposition on which I was committed.

L. *H. Stew.* Turn to the Journal.

L. *Stafford.* It was read, as I remember, *Friday* 25. *Octob.* (78.)

*Then the Clerk turned to the Journal, and read.*

## *Die Veneris* 25. *die Octobris*, 1678.

*Clerk.* THe Lord Viscount *Stafford* acquainted the House, That he was informed that there was a Warrant issued out from the Lord Chief Justice of *England* to apprehend him; which he thought fit to acquaint their Lordships with, and submitted himself their Lordships Judgment.

The Lord Chief Justice (being present) was commanded to give the House an account of the business; who said, That last night about nine of the clock he received a Letter from the Speaker of the House of Commons, dated from the Speakers Chair, to come to the House of Commons about business of great concernment. Accordingly he attended the House of Commons; where the Speaker told him, that the House of Commons had receiv'd Accusations of High Treason against five Lords and some Gentlemen, and desired him to issue out his Warrants for their

Apprehenſion. The Perſons were, the Earl of *Powis*, Viſcount *Stafford*, the Lord *Arundel* of *Wardour*, the Lord *Petres*, and the Lord *Bellaſis*. And upon this he iſſued out his Warrants for their Apprehenſion, having taken the Examination of *Titus Oats* upon Oath. That the Earl of *Powis* and the Lord *Arundel* were brought to him this morning in cuſtody, and he adviſed them to render themſelves to the Gatehouſe, where now they are.

Upon this the Examination of *Oats* was read; whereby it did appear, That the Lord Viſcount *Stafford* was charged to be in a Conſpiracy of Treaſon againſt the King.

The Lord Viſcount *Stafford* denyed the Fact, and after this, withdrew. And after a while the Houſe was informed that his Lordship would render himſelf to the Lord Chief Juſtice.

*L. H. Stew.* This is all that is in the Journal.

*L. Stafford.* Then my Lords, if your Lordships pleaſe to remember, all of you that were there, that I was accuſed by Dr. *Oats*, whoſe Depoſitions I deſire to ſee, taken before my Lord Chief Juſtice, that he had ſeen Letters of mine written to *Fenwick*, *Harcourt*, and ſome others, three or four Jeſuits, in which I was conſenting to the Plot, that I had ſent my Son to *Lisbon*, yet I would be as kind to the Jeſuits as before, though there was ſome difference between us. Theſe Affidavits I deſire to ſee, which as I take it were read before your Lordships that day.

*L. H. Stew.* The Affidavit was taken by my Lord Chief Juſtice in the Houſe of Commons, where he did attend them upon their Summons: I know not if the Original were read in the Houſe of Lords or the Copy; but it ſeems it is not entred into the Lords Journal, but your Lordship had an Order to take Copies of all things you would have demanded, and if you would not, I cannot tell what to ſay to it.

*L. Stafford.* Truly I could not take a Copy, becauſe I did not know where it was. I deſire my Lord Chief Juſtice may be asked where it is, that is all I deſire, and I will then go on.

*L. H. Stew.* I think Dr. *Oats* does ſay at this time, that he had ſeen Letters of your Lordships, offering your Correſpondence and Aſſiſtance.

*L. Stafford.* If Dr. *Oats* will own he ſaid no more than is in that Affidavit, I am content.

*Lord High Steward.* Have you any Copy of your own Examination Doctor *Oats*?

Dr. *Oats.* Yes, my Lords, I think I have it here.

*L. H. Stew.* Marry, that is very well, produce it then. Do you oppoſe it Gentlemen?

*Managers.* No, we agree, we deſire the Truth may come out. Then Dr. *Oats* looking amongſt his Papers drew out one, and offered it to the Court.

L. H. *Stew.* Is that a true Copy of your first Examination?

Dr. *Oates.* My Lords, I will not swear it, but it was given me for a true Copy.

*L. H. Stew.* By whom was it given you?

Dr. *Oates.* I can't remember now, 'tis two years ago.

Sir *W. Jones.* Unless we know whence it comes, or what authority it hath, we cannot consent it should be read.

L. *H. Steward.* Had you it from my Lord Cheif Justice, or any servant of his?

Dr. *Oates.* I can't tell whether Sir *Charles Harbord* gave it me or no.

Sir *Fr. Winn.* My Lords, Sir *Charles Harbord* might be of the Committee of Examinations, but the Examination for which my Lord asked was not in the Committee nor before the house. My Lord chief Justice retired out of the house *& Virtute Officii* took it. Now it was very fair in Mr. *Oates* to produce it, but yet in point of Evidence, if he will not swear it to be a true Copy, or give an account how he came by it, we cannot allow it to be read.

*L. H. Stew.* My Lord *Stafford*, 'Tis you that want this Paper, you desire to have the benefit of the Examination that was taken of Mr. *Oates*, and therefore you must produce a Copy of it.

*Lord Stafford.* My Lords, I could never get it.

*L. H. Stew.* 'Tis not entred in our Journal, nor is it to be traced, we know not where it is. You have had time enough to look after it. You are now offered by *Oates* himself a Copy that was given him for a true Copy, though he can't swear by whom. Are you content that shall be read, if the Gentlemen will admit it?

Lord *Stafford.* By what I guess of Dr. *Oates*, (I know him not) he would not give in a Copy of an Examination unless it were true, if it be true I know not what should hinder the reading of it; but as far as concerns me I desire it may be read.

*L. H. Stew.* You do Consent, and will you Gentlemen permit it?

Mr. Serjeant *Maynard.* We do not know whence it comes, we can't admit it unless *Oates* says 'tis true.

Sir *William Jones.* My Lords, it hath been long in the Doctors possession, he hath read it over, he can't say 'tis a true Copy, but I desire to ask him whether all in that writing be true? and whether he did swear what is in that writing?

*L. H. Stew.* If your Lordships please thus, and you Gentlemen of the House of Commons: The best way to have an answer to this Question is, that it may be read *de bene esse.*

Sir *Fran. Winn.* Pray my Lords, let him read it over to himself privately, and then let us know whether he can swear the same things that are in that Paper. (*which* Dr. Oates *began to do.*)

Dr. *Oats.* Your Lordships ask only as to my Lord *Stafford*?

*L. H. Stew.* My Lord desires no more, but pray read it over all, and give your Answer to all; for that Question, may be, will be asked in other Cases, and 'tis fit you should be provided for it. *(which he did.)*

*L. H. Stew.* What say you Doctor?

Dr. *Oats.* My Lords, I do verily believe I did swear the Contents of that Paper.

*L. Stafford.* My Lords, I do not oppose the reading of that Paper, but I have here a Copy of something in the Journal, and do not stand upon my memory; but I think upon the viewing of it now, there is something in the Copies of the Journal.

*Clerks.* We cannot find it.

*L. Stafford.* Then read this Paper.

L. *H. Steward.* Will you have this Copy of the Examination read, or not?

*L. Stafford.* Yes, my Lords.

Clerk. *The Examination of* Titus Oats *Clerk, taken before us*———

*L. H. Stew.* When was that?

*Clerk.* The 24. of *October* 1678.

*L. H. Steward.* That was read the 25. the next day in the House of Lords.

*The Examination of* Titus Oats *Clerk, taken by us the* 24. *of* October 1678.

THis Examinant saith, That in the Month of *May* last, this Examinant saw a Patent under the Seal of the Father general of the Society of *Jesus* at *Rome*, called *Johannes Paulus Oliva*, at the Chamber of Mr. *Langhorn*, wherein it was expressed, That by vertue of a Breve from the Pope, he did Constitute the Lord *Arundel* of *Wardour* Lord High Chancellor of *England*, which Patent was sent to the Lord *Arundel* of *Wardour* by a Messenger, who was the Son of Mr. *Langhorn*; And this Examinant saith, That he saw a Letter subscribed by the Lord *Arundell* of *Wardour* as he believes, wherein the Lord *Arundel* did acknowledge the receipt of the said Patent, and accepted of the same, and promised to answer the expectation of the Society.

This Examinant saith, That in *June* last he saw the like Patent, wherein the Lord *Powis* was Constituted Lord Treasurer of *England*, which Patent was carried by one *Parsons* Secretary to the Lord *Powis* from one *Saunders* House in *Wild-street* to be delivered to the Lord *Powis*, and at the delivery of the Patent 300 *l.* was paid by *Parsons* to *Fenwick* and *Ireland* to carry on the design of the Jesuits, which was to raise a Rebellion in the three Kingdoms and to destroy the King.

In the Month of *July* this Examinant saw a Letter subscribed *Powis*, and directed to *Fenwick*, wherein his Lordship did acknowledge the receipt of the said Patent, and did accept of the same, and said he had 300 Men and Horse ready for the Design, and that his Lordship would venture his life and fortune in the Affair

In

In the month of *August* last, this Examinant saw a Letter directed to Mr. *Langhorn* by the outside, but within to the Society of the Jesuits, wherein Sir *William Godolphin* acknowledged he had received the like Patent to be Lord Privy Seal, and had accepted thereof, and in *July* 1677. this Examinant saw the same in the hands of the Archbishop of *Tuam*, at *Madrid* in *Spain*.

This Examinant saith, that in *July* last Mr. *Coleman* ackowledged and confessed to *Fenwick* in this Examinants presence, that he had received the like Patent to be Secretary of State, and that it was a good exchange.

This Examinant saith, that in *May*, *June*, *July* and *August* last, this Examinant saw several Letters signed *Stafford*, whereby it appeared that the Lord *Stafford* was in this Conspiracy against His Majesty, and that he had returned several Sums of Mony to the Jesuits to carry on the Design, the Letters were directed to *Fenwick* and *Ireland*, and in *August* last this Examinant saw another Letter directed to the same persons signed *Stafford*, wherein my Lord writ, that although he had sent his Son to *Lisbon*, yet he would be ne'r the worse friend to the Jesuits, and this Examinant conceiveth the Reason of that Letter was, because there was then a difference between the *English* Colledge at *Lisbon* and the Jesuits; in *July* last this Examinant saw in the hands of *Fenwick* a Commission directed to the Lord *Bellasis* from the person aforesaid, to be Lord General of the Army to be raised in *England* against His Majesty, and in *July* this Examinant saw a Letter from my Lord directed to *Fenwick*, wherein his Lordship acknowledged the receipt of the Commission, and thanked the Society for the same, and that he accepted the same, and would do what in him lay to answer their expectations.

In *May* last this Examminant saw a Patent in the hands of Mr. *Langhorn* to make my Lord *Petres* Lieutenant-General of the Army, and in *June* last, this Examinant did hear my Lord *Petres* in the presence of Mr. *Longworth* his Confessor acknowledge the receipt of the same, and that he accepted thereof, and his Confessor wished him much joy thereof.

Lord *Stafford*. My Lords, if this be owned for truth that he swore, then I proceed upon the Evidence of that.

L. *H. Stew*. Without allowing it to be a true Copy, Dr. *Oats* at the Bar does swear, what is said there is true.

Lord *Stafford*. Then he says there, he saw Letters signed by me to *Fenwick* and others, I do humbly desire to know whether that be Evidence or no, that a man says he saw Letters, and does not say he knew them to be my hand, nor what the Letters were in particular, nothing that he did prove of it. I must appeal to your Lordships, to all my Lords, to my Lord High Steward, and the rest that were of the Council at that time; whether Dr. *Oats* did not positively name some, and left me out at the Council Table? And whether Dr. *Oats* did not say there was no Lord concerned in the Plot, and whether some of my Lords

did

did not say so, and told some other Lords of it, from whom I had it? And in order to this desire Sir *Philip Lloyd* may be examined, and if he did not know of my being in it, then he hath since forsworn himself.

*L. H. Stew.* My Lord, I know not where you are, nor what you are about, are you objecting against *Oats* upon any Evidence out of the Journal?

Lord *Stafford.* My Lords, I go upon this that hath been read.

*L. H. Stew.* Pray my Lord produce your Witnesses that did hear him say any thing, and take your advantage of it.

Lord *Stafford.* I call Sir *Philip Lloyd.*

*L. H. Stew.* Where is Sir *Philip Lloyd?*

*L. Stafford.* My Lords, I do not know, I think he is here, I hope he will come.

*Then he appeared amongst the Members of the House of Commons, and was called to the Bar amongst the other Witnesses, and stood up.*

L. *H. Stew.* What does your Lordship ask Sir *Philip Lloyd?*

*L. Staff.* Whether he was not by when Dr. *Oats* was asked, if there were any Lords concerned in the Plot, and he said no; and whether he did not tell me so a day or two before I was committed in the Princes Lodgings.

L. *H. Stew.* What say you Sir *Philip Lloyd* did you ever hear Dr. *Oats* deny upon his Oath, that ever he heard of any Lords that were concerned in the Plot?

Sir *Philip Lloyd.* My Lords, Truly I cannot remember any such thing. If my Lord put me in mind of any particular Circumstance or time, I may recollect it; I must confess I think I have heard such a thing rumor'd, but I am so unfortunate I cannot remember any thing positively of it.

L. *Stafford.* He did tell me so I am sure.

Sir *Philip Lloyd.* Truly, my Lords, I would be glad to remember any thing to justifie the Truth, but I can't remember this.

*L. Stafford.* But whether it were so or no, your Lordships that were of the Council can tell.

L. H. *Steward.* My Lord, I do not know. Your Lordship cannot be refused if you press it, to ask any of the Lords of the Council, if they remember any such thing that did pass there; but if I were there or in the Council, I deal plainly with your Lordship, I cannot say that there was any such thing said.

*L. Stafford.* If there be any here that were there besides, I desire they may be asked.

*L. H. Stew.* If your Lordship will call upon any other of my Lords that were there, they will tell you.

Lord *Stafford.* I do not know who were there, I can't call them.

L. *H. Stew.* You may ask any of the Lords of the Council who were there that time Dr. *Oats* was examined.

*Lord Marqueſs of Worceſter.* My Lords, I was not at the Council then, but I heard it, not there indeed, but as a general Report abroad.

*L. Stafford.* I deſire my Lord Privy Seal may tell what he knows of it.

*Lord Privy Seal.* What is it your Lordship would know of me?

*L. Stafford.* Whether *Oats* did not ſay, he had no more to accuſe?

*Lord Privy Seal.* Where my Lord?

L. *Stafford.* At the Council Table.

*Lord Privy Seal.* 'Tis a very hard thing for me to charge my memory with all the Queſtions at an Examination, we uſe to refer to the Examinations themſelves; I have ſeen ſome Examinations, I wish all were ſo, wherein the Queſtions are put down as well as the Anſwers, and I cannot charge my memory that he ſaid, he had no more to accuſe.

*L. Staff.* I deſire then all the Lords of the Council that are here to ſay whether or no he was not asked this Queſtion particularly by my Lord Chancellor, (and I deſire particularly his Lordship would ſay, whether he can't remember it) whether he had any thing to ſay againſt ſome Lords, and he anſwered, they were to know of it, but God forbid he should accuſe them!

*L. H. Stew.* When should that be?

*L. Stafford.* My Lords, I can't ſay the day, for I was not in Town. But I deſire to ask whether you did not ask him upon the firſt Diſcovery of the Plot, whether he had any thing to ſay againſt ſome Lords?

*L. H. Stew.* Do you deſire to know whether I asked him this Queſtion, if he had any thing to ſay againſt ſome Lords?

L. *Stafford.* I do not ſay poſitively your Lordship, but whether that Queſtion was not asked him?

*L. H. Stew.* Certainly I should never ask any ſuch Queſtion of any man alive. *I* might ask in general of any Lord, but not of ſome.

*L. Stafford.* Some or other Lords it was.

*L. H. Steward.* I don't remember it, and 'tis impoſſible for any man living to remember, what Queſtions he did ask two or three years ago upon an Examination.

*L. Stafford.* I deſire I may have leave to ask the Earl of *Berkley* a Queſtion.

*L. H. Steward.* What is it you would ask him?

*L. Stafford.* My Lords, I humbly ask his Lordship, whether he did not hear Dr. *Oats* ſay, after he had accuſed ſome perſons before the Council, that he had no more to accuſe?

*Earl of Berkley.* My Lords, I had the Honour to be of the Privy Council about the time of the Diſcovery of the Plot, but I do not remember that I heard Dr. *Oats* ſay any ſuch thing there.

*L. Staff.* Or, in the Houſe of Lords, for I may miſtake. And therefore I deſire my Lord of *Berkley* would declare what he heard Dr. *Oats* ſay before the Houſe of Lords.

*Earl*

*Earl of Berkley.* Yes, my Lords; in the Lords House I will tell your Lordships what I remember. My Lord Chancellor, to the best of my remembrance, did ask Dr. *Oats* at the Bar of the House, this Question———— My Lords desire to know if you can accuse any other Person or Persons of what Quality soever, and you are incouraged by their Lordships to Accuse them: His Answer was---- My Lords, I have no more to accuse in relation to *England*, but in relation to *Ireland*, I have.

*L. H. Steward.* That was after he had accused your Lordship, my Lord *Stafford*.

Sir *W. Jones.* We pray, my Lords, we may have the favour to ask that very Honourable Lord, at what time Dr. *Oats* said this, for the satisfaction of those that are present.

*Earl of Berkley.* My Lords, it was after Dr. *Oats* had accused my Lord *Stafford*, but before he had accused the Queen.

*L. Stafford.* I beseech you, my Lords, to mark it (and I am very glad of it) he said he had no more to accuse in relation to *England*, and yet after that he accused the Queen.

*L. H. Stew.* My Lord, then the best account of it will be on the Journal, the Question and Answer is entred there.

## Die Jovis 31. die Octobr. 1678.

### *Post Meridiem.*

*Titus Oats*, being at the Bar, is directed to proceed in giving an Account of the Commissions given to several Lords, and other Persons for Offices Civil and Military.

Upon which he proceeded in a particular Narrative thereof, with some Circumstances tending to make out the truth thereof, and then was commanded to withdraw, but stay without.

Then upon Consideration had hereof, the Lord Chancellor by directions of the House caused him to be called in again, and told him, that the Lords expect not his entring into particular Circumstances, but if there be particular Persons concerned, of what Quality soever they be, the House expected he should name them, but he named none but those he had mentioned in his Narrative, nor could name no other Person.

*Lord Stafford.* Then, my Lords, he said, He knew no Persons more than he he had discovered: and after, did he not accuse the Queen and several others? if he said true, then he knew no body more, if not, he is Forsworn.

Sir

Sir *Will. Jones.* Pray prove he did Accuſe the Queen.

*L. Stafford.* He did ſo in the Council, and he is clearly Perjured in that, and ſo not to be believed. And I ſay beſides, after that Dr. *Oats* had conſulted with himſelf and poſſibly with ſome others what his Narrative ſhould be, and what he ſhould accuſe Perſons of, and did only accuſe me of ſeeing ſome Letters ſigned *Stafford*, and now he comes to give Evidence he knows more, of my having a Commiſſion: After this rate, it may be he may know a great deal more to morrow, when he hath invented it: And 'tis a great ſign he did not know of any more, if he did know of that; for I never had any Correſpondence with the Jeſuits, nor any buſineſs tranſacted with them theſe twenty four or twenty five years. Indeed at *Ghent* the *Engliſh* Jeſuits were deſired to do a little thing for me, and they refuſed it me: it was to ſend over a man that was to be a Witneſs in a Suit I had beyond Sea. And I never writ one Letter to a Jeſuit ſince, nor he to me that I know of, nor never had to do with them that I know of: I never heard of *Fenwicks* Name nor *Harcourts* till I heard of the Plot, nor of *Johnſon* nor *Thompſon* Jeſuits: and if any can prove it, I will acknowledge my ſelf guilty of all that is ſaid againſt me. And for that Dr. *Oats* at firſt ſaid, He only ſaw Letters of mine, and after comes and accuſes me of a Commiſſion, I appeal to your Lordships if there can be any truth or belief in him. I cannot ſay more than what *I* have ſaid already, and *I* do challenge Dr. *Oats* at the day of Judgment to ſay, if ever he ſaw me in his life till I was committed, or if *I* did ever go by any Name, but that of *Stafford*, *I will be content to dye immediately. If *I* had gone by the Name of *Howard* I need not be aſhamed of it, for 'tis a Name good enough to be owned. I know there is a worthy Gentleman that bears the Name of *Howard* of *Effingham*, but *I* never did. If your Lordships pleaſe to let me ask Mr. *Dugdale* one Queſtion.

*L. H. Stew.* Call *Dugdale* again, (who appeared.) What ſay you to him my Lord?

*L. Stafford.* I deſire to ask *Dugdale*, whether he did not in his Depoſitions before Mr. *Lane* and Mr. *Vernon* ſwear, that the 20*th.* of *October*, *I* offered him 500 *l.* to kill the King?

Mr. *Dugdale.* No, *September*

*L. Stafford.* Ay, *September*?

Mr. *Dugdale.* Yes, I think I did make that Depoſition before Captain *Lane*. I am certain I did that, my Lord *Stafford* the 20*th.* or 21*th.* of *September* offered me 500 *l.*

*L. Stafford.* Then did not he ſay preſently upon this he went to Mr. *Evers* Chamber?

*L. H. Stew.* He ſays ſo now.

Mr. *Dugdale.* My Lords, I am not certain it was the ſame day, it was aſſoon as I could have opportunity, it was preſently after.

Lord *Stafford.* Did he not say he told *Evers* what I said to him, and he did not understand the meaning of it?

Mr. *Dugdale.* I did say so to Mr. *Evers,* I did ask Mr. *Evers* what my Lord *Stafford's* meaning was, whether his intention was true or no to do as he said, and whether my Lord was in that Condition as to be able to perform his promise, for I feared payment of the mony, and he told me *Harcourt* and the rest of the Jesuits would furnish it.

L. H. *Steward.* So he said Yesterday.

*L. Staff.* Then ask him if he did not say, the beginning of *September* I met him at *Tixal,* and I spake to him about such a business.

Mr. *Dugdale.* My Lords, I did say to the best of my Remembrance it was about that time, the latter end of *August* or the beginning of *September,* I would not be positive, nor could not to five days.

Lord *Stafford.* No I think not to 5000. Then I askt him this Question whether he did not presently upon that, when I told him about the Design, go to Mr. *Evers,* and ask what it meant.

*L. H. Steward.* He said so but now, he went to *Evers* and asked what you meant.

*L. Stafford.* I beseech you I may be understood, whether he did not say in the beginning of *September,* which was before the 20. or 21. in the Journal.

*L. H. Stew.* Is it in the Journal?

*L. Stafford.* Yes.

*L. H. Stew.* Why then, read it.

*Die Sabbati* 28. *Decembris,* 1678.

The Earl of *Essex* acquainted the House, that he had received an Information out of the Countrey of very great Concernment, which was read as followeth.

Stafford ſh. *December* 24th, 1678.

*The Information of* Stephen Dugdale *Gent. late servant to the Lord* Aston *of* Tixal, *concerning the Plot against our Soveraign Lord the King, as followeth.*

1. THis Informant saith, that presently after one *Howard* Almoner to the Queen went beyond the Seas, he was told by *George Hobson* (Servant to the said Lord *Aston*) that there was a Design then intended for the Reformation of the Government to the *Romish* Religion.

2. He informeth that in the beginning of *September* 1678. he met in *Tixal,* nigh the Lord's Gates, the Lord *Stafford,* who said to this Informant it was said that

that they were troubled for that they could no say their Prayers but in a hid manner, but suddenly there would be a Reformation to the *Romish* Religion, and if there was but a good Succes they should enjoy their Religion. And upon the 20*th.* day of *September* last, the said Lord *Stafford* told this Informant that there was a Design in hand, and if this Informant would undertake the Design, he should have a good Reward, and make himself famous.

3. Upon the aforesaid day immediately after, this Informant went into the Chamber of Mr. *Francis Urie alias Evers* (a Jesuit) in *Tixal-Hall*, and asked him what the Lord *Stafford* meant by those words, and after he had made him to swear secresie upon his knees, he told him he might be a person imployed in the work, and have a good Reward that would make him famous: and then he told him he must be instrumental with others in taking away the Kings life; and that it should be done by shooting or otherwise. And that this Informant need not to fear, for the Pope had excommunicated the King, and that all that were excommunicated by him were Heretieks, and they might kill them and be canoniz'd for Saints in so doing.

4. The Informant saith, that the said *Evers* and *Hobson* both said, that the Design was as well to kill the Duke of *Monmouth* as the King.

5. That *George North* (Nephew to *Pickering*, and Servant to the Lord *Aston*) lately told this Informant that they had taken his Uncle (meaning *Pickering*) and put him into *Newgate*, and thought the King deserved such an execrable death as was intended him, because of his Whoring and Debauchery.

6. That Mr. *Evers* said Mr. *Bennyfield* had a packet of Letters delivered to him from the Post-house, which he feared the Lord Treasurer had notice of, and therefore he delivered them to the Duke of *York*, and the Duke delivered them to the King, and that the King gave them to the Treasurer, after he had read them, but that the King did not believe them, and therefore it was happy, or else the Plot had been discovered.

7. That he had received many Packets of Letters for *Evers*, some of which this Informant broke up, and found them to be, and tend to the Establishing of the *Romish* Religion, *&c.*

8. That he had received several Sums of mony himself, and knew of divers others that were imployed to put forth mony, which was and is for the Jesuits use.

*Stephen Dugdale.*

*Taken upon Oath the 24th. day of* December, 1678. *before us.*

Tho. Lane,
J. Vernon.

*L. Stafford.* My Lords, I find by this here, that presently after one *Howard* Almoner to the Queen went over, *George Hobson* Servant to my Lord *Aston* told *Dugdale* there was a Design to Reform the Government, *&c.* I beseech your Lordships I may ask him, how long after he went over, this Discourse was.

Mr. *Dugdale.* I do not say I knew *George Hobson* before he came to be a Servant to my Lord *Aston,* which was in the year (78.) but that this was only a Discourse to me, that the Plot had been so long carrying on.

L. *Stafford.* He says upon his Oath presently after the Almoner went over, he told him so. Now the Almoner went over 3 years before that, when the Proclamation came out to Banish the Queens Servants for being Papists.

Mr. *Dugdale.* I heard it there, I never knew *George Hobson* before he came to be Servant to my Lord *Aston,* but I did not tell it as a Discourse at that time, or that it was more than what I had from him, that there was such a Design so long before.

Lord *Stafford.* He says presently after the Almoner went over, in his Oath, which was I think in the year (72.) or (73.) or rather in the year (75.) about the end of the year (74.) as I remember, and he says presently, three years after; is that presently? E'n now the end of *August* was the beginning of *September,* and how long that was we can't tell, and now three years is presently after.

Sir *W. Jones.* He is telling of anothers Discourse with him.

L. *H. Stew.* My Lord, you must observe that *Dugdale* says, that he did hear it from *Hobson* after he came to my Lord *Aston*'s Service.

Lord *Stafford.* But he says presently after the Almoner went over, and 'tis impossible, for he did not say it till three years after, and so there is no truth in him.

Mr. *Dugdale.* My Lords, it was that *Hobson* told me that presently after the Almoner *Howard* went over, there was such a Design carrying on.

*L. H. Stew.* You distinguish not, and therefore don't comprehend. 'Tis one thing if *Dugdale* had said, that presently after there was such a Design, *Hobson* told him so.

L. *Stafford.* I beseech you, it is said, That presently after the Almoner went over, *Hobson* told him so.

*L. H. Steward.* But it is not that presently after he heard the Discourse, but *George Hobson* told him, that presently after the Almoner went over, there was such a Design.

*L. Stafford.* 'Tis said he was told presently after.

*Then the Information was read again.*

*L. H. Stew.* Do you know when *Howard* the Almoner went over?

Mr. *Dugdale.* No, my Lords, but by report I heard when he went: But I do not make that part of my Oath, for I cannot absolutely remember it.

*L. H.*

*Lord. High. Steward.* My Lord, you muſt not make a Strain to to make a miſtake.

Lord *Stafford.* Gods Life, is three years a Strain?

Mr. *Dugd.* I never did mean ſo, nor never did intend ſo, for I never knew him till he came to my Lord *Aſton's*, but he told me then this Diſcourſe.

*L. H. Stew.* My Lord, this is only a Queſtion of Grammar, how it can be conſtrued.

*L. Stafford.* My Lords, I beg your pardon: 'tis to my little Reaſon a Queſtion of Senſe, and it is plain to me it can have no other ſenſe, but I ſubmit it to your Lordships, whether this be not the true Conſtruction.

*L. H. Steward.* Go on, my Lord, with your Evidence, notice will be taken of your Objection: you shall ſee what they ſay to it, if they do not give it an Anſwer, it will have its weight.

*Sir William Jones.* We will give that an Anſwer in due time.

*L. Stafford.* Then next he ſays, I talked with him at my Lord *Aſton's* the beginning of *September*, where he met with me at *Tixal* at the Gate. And I ſaid, it was ſad we could not ſay our Prayers, but in private. Truely my Lords, I cannot ſay, I did not ſay this to him; but if I did ſay it, I do not remember it, or that ever I thought ſo much; for I was ſo much of a contrary Opinion, that I thought thoſe of that Religion ſaid their Prayers too openly, and have chid them for it. And why ſhould I ſpeak it to him whom I did not know what Religion or what Profeſſion he might be of? And preſently after I ſpoke of theſe things, he ſays, he went to know what the Deſign was, and then Mr. *Evers* told him of the Plot, and yet yeſterday he ſaid he knew it ſixteen years ago. How can all this be true? And beſides, it ſeems I could have no great power with him to perſuade him, for it ſeems he miſtruſted my ability to pay, and he had reaſon, for I ſhould hardly have parted with 500 *l.* in the Condition I was then in to any one, but I have no more to ſay to him now. There is a third Witneſs, one *Turbervill*, I deſire to ask him a Queſtion.

*L. H. Stew.* Call *Turbervill*, (*who ſtood up.*)

Lord *Stafford*, I deſire to know what time he came to ſerve my Lady *Molineaux*, (for it is in the beginning of the Information in the Houſe of Commons, that he came in the year 73.) and how long he ſtaid with her?

*L. H. Stew.* My Lord *Stafford*, if your Lordship pleaſe, there was an offer made to you, that thoſe Affidavits ſhould be produced if you deſired to ſee them.

*L. Stafford.* I think I ſhall have no occaſion as yet, it may be I may by and by: But I deſire to ask him this Queſtion firſt, whether he did not ſay he came in the year (73.) into my Lady *Mary Molineaux* her Service, and ſtaid with her about three years.

*L. H. Stew.* Did he ſwear in the year (73.( he came?

*L. Stafford.*

*L. Stafford.* 'Tis so in his Narrative in Print.

*L. H. Stew.* Do you own that Narrative in Print for true?

Mr. *Turbervill.* No my Lords.

*L. H. Stew.* How can you challenge him then with a Narrative he does not own?

*L. Stafford.* Then what can a man do if he must not go according to what is Printed?

Mr. *Turbervill.* There is a mistake in the Printing of it, there is a mistake of (73.) for (72.)

*L. Stafford.* I now desire that Affidavit may be produced.

*L. H. Steward.* Pray let him have the benefit that was offered him of the Affidavit.

Mr. *Turbervill.* Besides, I declared I could not be positive to a year, I own any thing else in it.

*L. Stafford.* Then my Lords, if I shall have fellows that will not swear to Months nor to years, I beg of your Lordships to know whether these be legal Witnesses.

*Managers.* The Affidavit is in the Custody of Sir *William Poulteney* a Member of our House.

Sir *Will. Poulteney.* My Lords, I have the Affidavit, if you please I shall give you an account what I did upon it, and Sir *Thomas Stringer* another Justice of Peace. My Lords, after that Mr. *Turbervill* had given his Evidence to the House of Commons *Viva voce*, he tendred to them this Information that I have in my hand; The House of Commons after it had been read thought it might be convenient to have it sworn to before two Justices of Peace. Whereupon Sir *Thomas Stringer* and my self withdrew into the Speakers Chamber, Mr. *Turbervill* came to us, we read over the Information to him again, and after we had read it over it was signed and he swore it. In this Information when we then took it he declared there, that he came to my Lord *Powis* in the year 1673, and came into *England* 1676. After we had sworn him, we carried this Information into the House again. The next morning, my Lords, he came to me, (I being one of the Justices that had sworn him) and told me that searching among his Papers the last night for a Letter, which he had said he had received from my Lord *Stafford* sent to *Diep*, though he could not find the Letter he looked for, yet he found that the precise time that he went to live with my Lord *Powis* was 1672, and the precise time of his coming into *England* was 1675. And he desired me to acquaint the House of Commons with it, that this Circumstance of time might be altered. Whereupon my Lords, I did acquaint the House of Commons with it, how he was mistaken in that point of a Circumstance of time, and that he came of his own accord and desired me to move the House in it; I moved the House, and they did direct we should withdraw again, and take his Information again, and that he should

should amend it, he amended it, and made the (73) (72) and the (76) (75) and then afterwards we swore him to it again *de novo*, and this is the matter of Fact concerning the Affidavit.

*L. H. Stew.* Sir *William Poultney*, Did Mr. *Turbervill* correct the mistake himself first, or was it found and altered by others?

Sir *William Poultney.* My Lords, he came to me, for I did not know any thing of it that he was mistaken, but he came to me the next morning assoon as ever I came to the House, before indeed I entred into the House and told me of the mistake and told me the reasons how he came to recollect himself, and find out the mistake.

*L. H. Stew.* Mr. *Turbervill* I would ask you the Question, how came you to be informed that you had mistaken your self.

Mr. *Turbervill.* My Lords, I'll tell you, I was searching for a Letter which I received from my Lord *Stafford*, and missing that, I found my Discharge I had from the *French* Army, wherein I saw my mistake as to the time, and that I have to produce.

*L. H. Stew.* I ask you again, by the Oath you have taken, did you correct it of your self, or by information from any other?

Mr. *Turbervill.* By the Oath *I* have taken I did correct it of my self, and no body moved it to me.

Mr. Serj. *Mayn.* It was but a Circumstance of time.

*Sir Fran. Winn.* And corrected by himself the very next morning my Lords.

*L. Stafford.* He does acknowledge he did forswear himself once, and did make himself an honest man the next day, when he was a perjured Villain the day before. And now he tells your Lordships that he was searching for a Letter that *I* sent to him, but he cannot find it.

Mr. *Turbervill.* No, my Lords, *I* thought *I* had it, but *I* cannot find it.

*L. Stafford.* No *I*'le swear thou canst not. But then he does say that he had a Discharge from the *French* Army.

Mr. *Turbervill.* Yes 'tis here my Lord.

L. *H. Stew.* Is that the Paper of your Discharge?

Mr. *Turbervill.* Yes, it is. 'Tis worn out a little and torn, but the Seal is preserved, *I* did not know that ever I should have occasion to make use of it, but my Lord Challenging me for a Coward, and a Deserter of my Colours———

L. *Stafford.* I say so still, for I have heard so.

*L. H. Stew.* Your Honour is not in question, Mr. *Turbervill.*

Mr. *Turbervill.* The Title is a little torn, and if your Lordships please I will read it (which he did being in *French*, and is rendred in *English* in these words.)

THis certifieth to all to whom it shall appertain, that I have given an absolute Discharge to the *Sieur Turbervill* a Cavalier of my Company, after having served the space of six months with all Honour and Fidelity. Therefore I desire

that

those that are to be desired, to treat him Civilly, and let him pass and re-pass without doing him any Injury or giving him any hindrance; But on the contrary to afford him all Aid and Assistance where it shall be necessary, promising the like upon all occasions that shall require it. In Confirmation of which I have for him signed this present Discharge, and thereto put the Seal of my Arms to serve him in case he shall need it. Made at the Camp before *Air* this 4. of *August*, 1676.

*Sheldon.*

L. *H. Steward.* What is the date of that Discharge *Turbervill?*

Mr. *Turbervill.* 'Tis in *August* (76.)

*L. Stafford.* May I see it, my Lords?

*L. H. Stew.* Yes, deliver it to my Lord, *(which was done, and he looked upon it.)*

*L. Stafford.* The thing looks like truth, but there is no proof of it.

Mr. *Turbervill.* The Seal is a little broke, but the Name remains perfect.

L. *Stafford.* He says here is a dismission from the Army in (76.) how will that rectifie this mistake about (73.) I understand not that.

*Then the Court called for the Paper, and it was looked upon by the Duke of* Monmouth *and some other Lords.*

*L. H. Stew.* My Lord, this Paper hath been looked upon, the Hand is well known by those that should know it.

L. *Stafford.* I do not say the contrary.

*L. H. Stew.* Whereabouts are you now my Lord then?

*L. Stafford.* I am extreamly faint and weary, that I am sure of. This Gentleman told you yesterday, that he spoke with me several times in *France*, and that he was conversant with me for a fortnight together, that he visited me, and I proposed the Killing of the King to him, and that he refused to give me an Answer then, but told me he would give it me at *Diep*; This he said yesterday, as I remember: And afterwards when he was gone down, he came up again, and desired to put your Lordships in mind of a particular Circumstance which he said he did remember, That when he came to me I had the Gout, and was in a lower Room of the House, in such a Street which faced *Luxenburgh* House, all which I stand not upon: and that the Prince of *Conde* lived in the same Street on the left hand he said first, and after on the right hand, and after he knew not where, and that I did lodge in the same Street.

Mr. *Turbervill.* I did say I believed the Prince of *Conde* lived there, but was not positive.

*L. Stafford.* No, but first he swears a thing, and then only believes it. Be pleased to call my Servants, to know if ever I had my Foot ill of the Gout in my life.

Mr. *Turbervill.* Your Lordship told me it was the Gout.

*L. Stafford.*

Lord *Stafford*. If ever I put my Foot on a Stool, or was lame there, I will own all that he ſays. But when a man ſwears his Evidence, and goes down from the place, and then invents and comes up again to tell new ſtories, who ſhall believe ſuch a man?

Mr. *Turbervill*. I never went from the Bar.

Lord *Stafford*. I do ſay, you went down and had given all your Evidence, and came up again and told this Circumſtance: I have not been lame not one moment theſe forty years, and yet this Fellow, this impudent Fellow, to ſay, that I was lame and put my Foot on a Stool. He does not, my Lords, ſwear poſitively in any thing but this, and this I can eaſily diſprove in him.

*L. H. Steward*. What ſay you to this particular, *Turbervill*? Had my Lord *Stafford* never the Gout while he was in *France*?

Mr. *Turbervill*. He told me it was the Gout, my Lords: He had a great lameneſs, he could not go from one place to another: Here are ſeveral people to give Teſtimony, that my Lord was lame within leſs time than he ſays.

Mr. *Foley*. Hold, hold *Turbervill*, you muſt not give that Evidence now.

*L. Stafford*. Call *Nicholas Furneſe* again.

*L. H. Steward*. What do you call him for?

L. *Stafford*. Ask whether ever he ſaw Mr. *Turbervill* with me in *France*?

*L. H. Stew*. Were you with my Lord *Stafford* all the while he was in *France*?

*Furneſe*. Yes, my Lords.

*L. H. Stew*. Did you never ſee *Turbervill* there?

*Furneſe*. No.

*L. H. Stew*. Pray did you never ſee Father *Anthony Turbervill* there?

*Furneſe*. No, my Lords, I never heard of his Name.

*L. Stafford*. Was I ever one moment lame while I was in *France*?

*Furneſe*. Not, that I remember.

L. *H. Stew*. How long was my Lord there?

*Furneſe*. About three Months.

*L. H. Stew*. What time of the year?

*Furneſe*. At *Paris* in *October* and *November*, in *December* at *Rohan*, in *January* we came over into *England*.

L. *Stafford*. Ask him if ever I put my Foot upon a Cuſhion, or upon a Stool for lameneſs.

*Lord. High. Steward*. Mr. *Turbervill* did you ever ſee *Furneſe* when you were in *France*.

Mr. *Turbervill*. This Man my Lords.

L. *H. Stew*. Yes.

Mr. *Turbervill*. No, not that I remember.

*L. H. Stew*. In what quality did you ſerve my Lord in *France*, *Furneſe*?

*Furneſe*. My Lords, I waited on him in his Chamber.

*L. H. Stew.* Do you remember any other Servant of my Lords, that you did see there?

Mr. *Turbervill.* Truly, my Lords, I don't remember, I might forget him.

Lord *Stafford.* So I believe thou dost me too.

Mr. *Turbervill.* Your Lordship, that could call me Coward may say any thing.

*L. Stafford.* You shall be as valiant as *Hector*, if you will. Pray call my other Boy. *(Who stood up.)*

*L. H. Stew.* You little Boy, were you all the while with my Lord that he was in *France?*

*Leigh.* Yes, my Lords.

*L. H. Stew.* Did you ever see *Turbervill* there?

*Leigh.* No, my Lords, not that I know of.

*L. H. Stew.* Had my Lord the Gout in *France?*

*Leigh.* No nor never had since I have been with him.

*L. H. Stew.* That is six years.

*Leigh.* Seven years almost my Lords.

*L. H. Stew.* Are you sure of that?

*Leigh.* I am sure of it.

*L. Stafford.* Now, my Lords, Mr. *Turbervill* says I writ him a Letter to *Diep*, which Letter he can't find. I beseech you what were the Contents of the Letter?

*L. H. Stew.* What were the Contents of the Letter my Lord sent you?

Mr. *Turberv.* The Contents of the Letter were that I should not stay at *Diep* in expectation of him; for he had appointed a Yatcht to come to *Calice*, but I should make what haste I could to *London*, and there I should meet with him.

*L. Stafford.* I desire to ask whether I sent him word that Count *Gramont* came over with me?

Mr. *Turbervill.* Yes, my Lords, to the best of my remembrance.

*L. Stafford.* I shall now bring Witnesses that I did not come by *Calice*, but by *Diep*, and Count *Gramont* came not with me.

*L. H. Stew.* Mr. *Turbervill*, which way came you, from *Diep*, or from *Calice*?

Mr. *Turbervill.* From *Diep*, my Lords.

*L. Stafford.* And I came from *Diep* too.

*L. H. Stew.* My Lord came that way too, he says.

Mr. *Turbervill.* I know not of it, he sent me word otherwise.

*L. Stafford.* I shall now prove what I say, pray call Mr. *Wyborne*.

*(Who stood up.)*

*L. H. Stew.* What do you ask him, my Lord?

*L. Stafford.* Whether he did not see me at *Diep*, and embark from thence for *England*.

Mr. *Wyborne.* My Lords, I will give you an Account as well as I can. In the year (75.) in *December* I had occasion to go over into *France* upon my own Concerns;

cerns; and enquiring where there was a conveniency to go over, I heard that a Yatcht was sending to *Diep* for my Lord *Stafford*, and Mr. *Henry Sidney* His Majesties Envoy Extraordinary now in *Holland*, I took that occasion, and we weighed Anchor on Friday the 24. of *December*; and it being foul weather, and we being tossed long upon the Sea, we did not come to an Anchor before *Diep* till Sunday was sevennight, at Two a Clock in the Afternoon, which was *January* 2. Then I came with the Captain immediately ashoar, to enquire for my Lord and Mr. *Sidney*, I enquired for my Lord, and they told me, he was at *Rohan*, expecting to hear of the arrival of the Yatcht; upon which the Captain desired me to write a Letter to my Lord, and I did so; upon sight of which Letter he came to *Diep* on Tuesday in the Afternoon, which was as *I* take it, the 4. of *January*, and we were at the *Bastile* there then together, when he came that evening; and the next day *I* went on my own occasions to *Paris*, and my Lord and Mr. *Sidney* did come over together in the Yatcht.

L. *Stafford.* If you please *I* will call my two Servants again to this matter.

*Lord. High. Steward.* Call them, my Lord.

*Then* Furnese *and* Leigh *stood up.*

*Lord High Steward.* Which way came my Lord *Stafford* out of *France* into *England*, by *Diep* or by *Calice?*

*Furnese.* By *Diep.*

*L. H. Steward.* What say you Boy, which way came my Lord?

*Leigh.* By *Diep*, my Lords.

*L. H. Steward.* You came with him?

*Leigh.* Yes, we did.

*L. H. Stew.* My Lord, The Question is not whether you came by *Calice* or no, but whether you writ a Letter to him to *Diep* that you would go by *Calice.*

Lord *Stafford.* He swore yesterday that *I* did come by *Calice.*

*L. H. Stew.* Do you say my Lord came by *Calice?*

Mr. *Turbervill.* My Lords, *I* had a Letter from his Lordship, which he wrote to me, that he would come by *Calice.*

*L. Stafford.* He did not name the Letter yesterday, nor is't in the Information.

*L. H. Stew.* Read the *Affidavit.*

## The Information of *Edward Turbervill* of *Skerr*, in the *County of* Glamorgan, *Gent.*

WHo *saith, That being a younger Brother about the Year* 1672, *he became Gentleman Usher to the Lady* Mary Molineaux, *Daughter to the Earl of* Powis, *and by that means lived in the House of the said Earl about three Years, and by serving and assisting at Mass there, grew intimate with* William Morgan, *Confessor to the said Earl and his Family, who was a Jesuit, and Rector over all the Jesuits in* North-Wales, Shropshire, *and* Staffordshire: *And he, during the three years time, often heard the said* Morgan *tell the said Earl and his Lady, that the Kingdom was in a high Fever, and that nothing but Blood-letting could restore it to Health, and then the* Catholick Religion *would flourish. Whereunto the said Earl many times replied, It was not yet time, but he doubted not but such means should be used in due time, or words to that effect. And he heard the Lady* Powis *tell the said* Morgan, *and others publickly and privately, That when Religion should be restored in* England, *which she doubted not but would be in a very short time, she would persuade her Husband to give* 300*l.* per annum, *for a Foundation to maintain a Nunnery; and this Informant was persuaded by the Lady* Powis *and the said* Morgan *to become a Fryar, the said Lady encouraging this Informant thereunto, by saying, that if he would follow his Studies, and make himself capable, she questioned not but he might shortly be made a Bishop by her Interest in* England, *because upon Restauration of the* Catholick Religion, *there would want People fit to make Bishops, and to do the Business of the Church, and thereupon she gave this Informant Ten Pounds to carry him to* Doway, *where this Informant entred the Monastery, and continued about three weeks; and with much difficulty made his escape thence, and returned for* England; *for which the said Earl and his Lady, and all the rest that encouraged him to go to the Monastery, became his utter Enemies, threatning to take away his Life, and to get his Brother to disinherit him, which last is compassed against him. And Father* Cudworth, *who was than Guardian of the Fryars at* Doway, *some days before his escape thence, told this Informant, That if he should not persevere with them, he should lose his life and friends. And further added, That this King should not last long, and that his Successor should be wholly for their purpose. And Father* Cross, *Provincial of the Fryars, told this Informant, That had he been at* Doway *when this Informant made his escape thence, he should never have come to* England: *And this Informant finding himself friendless, and in danger in* England, *went to* Paris, *where one of his Brothers is a Benedictine Monk, who persuaded this Informant to return for* England; *and in order thereunto,*

*about*

about the latter end of November 1675. he was introduced into the acquaintance of the Lord Stafford, that he might go for England with his Lordship, and three weeks he attended his Lordship, and had great acceſs and freedom with his Lordship, who gave him great aſſurances of his Favour and Intereſt to reſtore him to his Relations eſteem again. And ſaid, That he had a piece of ſervice to propoſe to this Informant, that would not only retrieve his Reputation with his own Relations, but alſo oblige both them and their Party to make him happy as long he lived. And this informant being deſirous to embrace ſo happy an Opportunity, was very inquiſitive after the means, but the ſaid Lord Stafford being ſomewhat difficult to repoſe ſo great a Truſt as he was to communicate to him, exacted all the Obligations and Promiſes of ſecreſie, which this Informant gave his Lordship in the moſt ſolemn manner he could invent: Then his Lordship laboured to make this Informant ſenſible of all the advantages that would accrue to this Informant, and the Catholick Cauſe, and then told this Informant in direct terms, that he might make himſelf and the Nation happy, by taking away the Life of the King of England, who was a Heretick, and conſequently a Rebel againſt God Almighty. Of which this Informant deſired his Lordship to give him time to conſider, and told his Lordship that he would give him his Anſwer at Diep, where his Lordship intended to ship for England, and to take this Informant with him; but this Informant going before to Diep, the Lord Stafford went with Count Gramont by Calice, and ſent this Informant orders to go for England, and to attend his Lordship at London, but this Informant did not attend his Lordship at London, but went into the French ſervice, and ſo avoided the Lord Stafford's further importunities in that Affair. And this Informant further ſaith, That one Remige a French woman, and vehement Papiſt, who married this Informants Brother, lived with the Lady Powis all the time this Informant reſided there, and ſome years ſince, and was the great Confident of the ſaid Lady; and the ſaid Remige was for the moſt part taken with her Ladyship into Morgan's Chamber when the Conſults were held there, where he hath often ſeen Father Gavan, Father Towers, Father Evans, Father Sylliard, Roberts, White, Owens, Barry, and the Earl of Caſtlemain, and other Prieſts and Jeſuits, meet and ſhut themſelves up in the ſaid Morgan's Chamber, ſometimes for an Hour, ſometimes for two Hours, more or leſs; and at the breaking up of the ſaid Conſults, have broke out into an extaſie of joy, ſaying, They hoped ere long the Catholick Religion would be eſtabliſhed in England, and that they did not doubt to bring about their Deſign notwithſtanding they had met with one great Diſappointment, which was the Peace ſtruck up with Holland; ſaying, that if the Army at Blackheath had been ſent into Holland to aſſiſt the French King, when he was with his Army near Amſterdam, Holland had certainly been conquered, and then the French King would have been able to aſſiſt us with an Army to eſtabliſh Religion

in

*in* England. *Which expreſſions, with many others, importing their confidence to ſet up the* Romish Religion, *they frequently communicated to this Informant. And the ſaid* Morgan *went ſeveral times into* Ireland, *to* London, *and ſeveral other parts of* England, *as this Informant hath juſt cauſe to believe, to give and take meaſures for carrying on the Deſign, and the ſaid* Remige *and her Husband having firſt clandeſtinely ſold their Eſtate, and fled into* France *about* May *or* June *laſt, for fear of diſcovery. This Informant by many Circumſtances, being aſſured that the ſaid Mrs.* Remige *was privy to all or moſt of the Tranſactions of the Plot. And he ſaith, that about* May *laſt was two Years, he was preſent at Maſs with the Lord* Powis *in* Vereſtreet, *when the Earl of* Caſtlemain *did ſay Maſs in his Prieſtly Habit, after the Rites and Ceremonies of the Church of* Rome.

*EDWARD TURBERVILL.*

Sworn the 9th. day of *November* 1680. before

*Thomas Stringer.*
*William Poulteny.*
*Edmund Warcupp.*

L. *H. Steward.* My Lord, this *Affidavit* is to the purpoſe to which you call for it; this does ſay that your Lordship did go by the way of *Calice*, it does abſolutely ſo.

*L. Stafford.* Now whether he be forſworn or no, your Lordships may judge by theſe three Witneſſes.

Mr. *Turbervill.* My Lords, that which I grounded my belief of his going to *Calice* upon, and ſo conſequently that *Affidavit*, was the Letter which I received from my Lord, which I have looked for, but cannot find.

*L. H. Stew.* This *Affidavit* does not ſay you went from *Calice* to *England*, but you went with Count *Gramont* to *Calice*.

L. *Stafford.* I conceive, my Lords, this *Affidavit*, and his Narrative are word for word the ſame, only that Amendment of (72) for (73) upon which I obſerved before, he was forſworn once. I cannot tell what to ſay if this man can be believed. And Count *Gramont* came by *Diep* too; but beſides, my Lords, in this *Affidavit* he does not ſay he believed ſo, by the Letter, tho' now he ſpeaks of one.

*L. H. Stew.* My Lord *Stafford*, was Count *Gramont* in your Lordships company when you came to *Diep?*

L. *Stafford.* No, my Lords, he was in *England* before me a month; but, my Lords, I cannot deny, but I had one recommended to come over with me, that pre-

pretended himself to be a *French* Count, but the man was as errant a Rascal as this that swears against me, and that was one that called himself Count *de Brienne*, whom all the world knows to be a Cheat.

*L. H. Stew.* Call your other Witnesses, my Lord.

*L. Stafford.* Where is *John Minhead?*

*(Who stood up.)*

L. H. *Steward.* Who do you belong to?

*Minhead.* My Lord *Powis.*

*L. Stafford.* My Lords, Mr. *Turbervill*, he says, by the persuasion of my Lady *Powis*, went to *Doway*, and he staid in the Monastery three weeks, and not liking that life, he came away (this may be true, I say nothing to it:) But that which I take Exception at, is this, He says, for this the Earl of *Powis* and his Lady, when he came back from *Doway*, were very angry with him, and so were all his Relations, and he stood in fear of his life from them. Surely when Mr. *Turbervill* knew he was in such danger, he would not have come near them. Pray ask this Gentleman whether he was at my Lord *Powis*'s, and how he was entertained.

L. *H. Steward.* Do you know *Turbervill?*

*Minhead.* Yes, my Lords.

*L. H. Stew.* Have you seen him at my Lord *Powis*'s?

*Minhead.* Yes, my Lords.

L. *H. Stew* How was he received there?

*Minhead.* Very well, my Lords.

L. H. *Stew*, When was that?

*Minhead.* In the year (75.)

L. H. *Stew.* Was that before or after he came back to *England?*

*Minhead.* It was after he came from *Doway.*

L. H *Stew.* What Country man are you?

*Minhead.* A French man.

L. H. *Stew.* What Religion are you of?

*Minhead.* A Roman Catholick.

*L. Stafford.* Pray ask him whether he lay in my Lords house.

*Minhead.* Yes, my Lords, he lay with me in my lodgings.

*L. Stafford.* And yet he says he was afraid of his life.

L. H. *Stew.* Did my Lord know he lay there?

*Minhead.* Yes, he must needs, because he came through the Room to go to Bed.

L. *Stafford.* May it please your Lordships, he says he was threatned that he should have his Brother disinherit him, and which afterwards was compassed. Now I shall shew that this is impossible, for he had no Inheritance to lose, nor was to have none; for his Brother, who is elder than he, this man being

being by a second Venter, hath Children, as I shall make appear by another of his Brothers, who is here. And this not being settled upon him who was by the second Venter, could not come to him, but for want of Issue of that Brother, must go to the Uncle. So he swears he was disinherited of an Estate when he was to have no Estate, nor could have. Call Mr. *John Turbervill* (*who appeared.*) My Lords, I desire you to ask him whether he knew that upon his coming back to *England*, he was ill used?

Mr. *J. Turbervill.* I never knew any unkindness from my elder Brother to him.

*L. H. Stew.* Are you his Brother?

Mr. *J. Turbervill.* Yes, my Lords, by the Father, not by the Mother.

*L. H. Stew.* Well, what can you say?

Mr. *J. Turbervill.* I never heard any thing when he returned from *Doway*, that he was ill received by my Lord *Powis*, but in a few days after my Brother and Sister came to Town, we went to *Bloomesbury*, and there we met together; and my Brother complaining that he was unfortunate in that he had undertaken what he could not perform in going beyond Sea, and now wanted a Livelihood; my eldest Brother told him he had done as far as his Ability was, he could do no more, it was his own Choice, and he had no more to say.

*L. Staff.* Had he any money from his Relations?

Mr. *J. Turbervill.* He made interception by Friends to my Sister, and she told me that she gave him 7 *l.* to bear his Charges to *Paris*, with that Proviso that he would never trouble them more.

*L. H. Stew.* But were they not angry with him?

Mr. *J. Turbervill.* Here he is, he cannot say they ever gave him an angry word in their days, I'm sure, I never did.

*L. H. Stew.* Did you not forbid him the House?

Mr. *J. Turbervill.* No.

Mr. *Edw. Turbervill.* These are people that take not the Oaths of Allegiance and Supremacy, and therefore are not fit to be Witnesses.

*L. Stafford.* Now your Lordships see what a Villain he is.

Mr. Serj. *Maynard.* You must give good words, my Lord, for none but good words are given you.

Lord *Stafford.* I must call them Villains, or my self Traitor.

*L. H. Steward.* You say they gave him 7 *l.* upon condition they should never see him more.

Mr. *J. Turbervill.* I did not say, my Sister said upon condition she would give him 7 *l.* he would never trouble us more, it was his Declaration.

Lord *Stafford.* One thing I would ask Mr. *Turbervill* more, and that is about this man's being disinherited: Whether he could, or whether he was Heir to any Estate or not?

L. *H. Stew.*

*L. H. Steward.* What say you to it?

Mr. *J. Turbervill.* By all the Information of our Relations, the Estate was made by my Grand-father to my Father for life, and after my Fathers life to my Mothers, and after my Mothers life to my Eldest Brother, and the Heirs males of his Body; and for want of such, afterwards to me, and the Heirs males of my Body; and in case I had none, then to my Fathers Brother, and his Heirs males: and if he had no Heirs males, then after that to the right Heirs of the Grand-father. This was before my time.

*L. H. Stew.* Well then, that Remainder to the right Heirs, might come to him; and so there was some Estate for him to lose, and that Remainder might be docked by the Tenant in Tail. I would ask, Was there any Recovery suffered to bar that Intail?

Mr. *J. Turbervill.* Yes, I think there was one upon my Brothers Marriage.

*L. H. Stew.* Mr. *Turbervill*, Were you told you should be disinherited?

Mr. *E. Turbervill.* Yes, my Lords.

*L. H. Stew.* Who told you so?

Mr. *E. Turbervill.* My eldest Brother.

*L. H. Stew.* What did he tell you?

Mr. *E Turbervill.* He told me it should not come to me.

*L. H. Stew.* How should it come to you?

Mr. *E. Turbervill.* I am not so good a Lawyer as to tell that, whether it could or no, but I thought by Succession.

Lord *Stafford.* Then he says he came to serve my Lady *Mullineux* in (72.) it may be it is so as he says, I don't know it of my own knowledge; but I pray he may answer, whether it was in (71) or (72.)

Mr. *J. Turbervill.* In *January* or *February* (71.)

Mr. *Treby.* That is the beginning of the year (72,) according to the *Almanack*.

L. *Staff.* My Lords, for the present I do not remember any thing more——— Oh, yes, my Lords, he says he was at such a time at my Lord *Powis*'s, when my Lord *Castlemain* was at *Powis*-Castle, which must be either in the year (72) (73) or (74.) Now I desire you would ask Mr. *Lydcot* whether my Lord *Castlemain* was there, or could be there in any of those years.

(*Then* Lydcot *stood up.*)

L. *H. Stew.* What do you ask him, my Lord?

Lord *Stafford.* I desire to ask him, whether in the year (72,) (73,) or (74.) which are the years *Turbervill* says he was at my Lord *Powis*'s at *Powis*-Castle, whether my Lord *Castlemain* was at *Powis*-Castle, or could be there at that time.

L. *H. Stew.* Was my Lord *Castlemain* there in any of those years?

*Lydcot.* My Lords, I can prove he was not, as much as I am capable of

proving a Negative. I was with him in the years 72, 73, and 74.

*L. H. Steward.* Where?

*Lydcot.* He was in *England* in 73. I was with him all the while; and I am ſure ſince I knew him he was never in *Wales*, and I was never abſent from him ſince I knew him (which is nine years) not four months in all. I have travelled with him, and been abroad with him.

*L. H. Stew. Turbervill*, When do you ſay my Lord *Caſtlemain* was at *Powis* Caſtle?

Mr. *Turbervill.* I think it was in the year 73.

*L. H. Stew.* By what Token do you remember him there?

Mr. *Turbervill.* He was arguing with my Lord *Powis* about Religion, and ſeveral times he did ſo; I believe it was in the year 73.

*L. H. Stew.* What ſay you to that?

*Lydcot.* I can aſſure your Lordships he was not there then, I was always with him that year; he had many times a deſign to go there, but he could not but put it off, and the laſt time he was there, I can prove it was fifteen years ago.

*L. H. Stew.* I deſire to know of you this, Friend, can you take it upon you to affirm upon the Faith of a Chriſtian, that you were never from my Lord *Caſtlemain* all the year 73?

*Lydcot.* I can give an account to half a week where he was. And when I was abſent from him, it was beyond Sea, and all that while I kept Correſpondence with him every Poſt, and received Letters from him conſtantly once a week dated from *Liege.*: This was in the time of my abſence.

*L. H. Stew.* Were you at Liege when my Lord was in *England*, or were you with him all the time that he was in *England*?

*Lydcot.* My Lords I was with him all the time he was in *England*, and was never abſent from him all that compaſs of time, but when he ſent me into *England* from *Liege.*

*L. H. Stew.* Then he was at *Liege* himſelf?

*Lydcot.* Yes, my Lords.

*L. H. Stew.* Was that in the year 73?

*Lydcot.* Yes, my Lords, I was then in *England.* But, my Lords, I can give you an whole account, for my Lord and I never made any Journeys, but I put them down.

*L. H. Steward.* You ſay you can give a particular account of the whole year 73. even to the compaſs of four days in that year at moſt.

*Lydcot.* No, my Lords, I do not ſay ſo, but I ſay I can give an account of the whole time I have been with him within four months.

*L. H. Stew.* Were any of thoſe months within the year 73?

*Lydcot.* No, I was with him all the year 73.

*L. H. Stew.* Will you take it upon you to ſay, That every day in 73. you were with my Lord?

*Lydcot.*

*Lydcot.* Every day, my Lords.

*L. H. Stew.* Every week?

*Lydcot.* Yes, I do not think but that I was. My Lord did me the honour to make me as it were his Companion.

Mr. Serj. *Maynard.* No, you do your ſelf the honour to make your ſelf his Companion, he made you his Servant.

*L. H. Steward.* Come, where are your Notes you pretend to ſpeak by? your Diary, or your Journal? let us hear a whole account of the year 73. for you come to teſtifie as if you could give an account of every day.

*Lydcot.* I did not think any Queſtion of this Nature would come on the ſtage, there is my Lords Steward can give a very good account of this by his Account Books, which are all ready to be produced; he can tell where my Lord was, by laying out ſuch and ſuch moneys. And 'tis an hard thing to give a Teſtimony after ſo many years, of a thing that we thought not would ever be a Queſtion.

*L. H. Steward.* Let us ſee your Notes.

*Lydcot.* My Lords, I will read it to your Lordships.

*L. H. Steward.* When was this written?

*Lydcot.* I took this out of another Book.

*L. H. Steward.* When?

*Lydcot.* Lately, ſince Mr. *Turbervill's* Narrative came out.

Sir *Will. Jones.* Oh, I deſire that may be obſerved.

L. *Stafford.* If your Lordships pleaſe, I deſire that he may bring his Books, Oh, oh, will not condemn me, but Law and Juſtice. I am not to be run down with Oh, oh, or what ſuch impudent Villains as theſe ſay.

L. *H. Stew.* Read what you have there.

*Lydcot.* From *Liege* we ſet forth to *Paris, January* 1. 72. where we ſtaid three weeks, and arrived thence at *London January* 24. there we ſtaid till *May* 73. and from thence we went to *Liege* again in *June*, and from *Liege* we ſet forth to *London* in *Auguſt*, and returned *October* the 3d. 73.

*L. H. Stew.* Were you all the while between *Auguſt* and *October* in *London*?

*Lydcot.* I am morally certain, that I did not go from my Lord all that time.

*L. H. Stew.* Where were you after *October*?

*Lydcot.* Which *October*, if your Lordship pleaſe?

*L. H. Stew. October*, 73.

*Lydcot.* At *Liege*, for we returned to *Liege* at *October* the 3d. and then after this my Lord ſent me into *England*. I left him at *Liege*, and from thence I ſet out for *England*, and in *January* I returned to *Liege*, which was the greateſt part of time that I was ever abſent from him.

*L. H. Stew.* And was he at *Liege*, are you ſure, all that time from *October* to *January*?

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*Lydcot.* Yes, except he fled: For I ſent Letters by the Foreign Poſt, and received Letters by the Foreign Poſt every week. And his Account-Books will ſpeak it.

Sir *W. Jones.* My Lords, we deſire to ask him one Queſtion (ſince he can give ſo exact an account) whether my Lord *Caſtlemain* was in *England* (72) and how much of that year?

*Lydcot.* Yes.

Sir *W. Jones.* How many months of the year (72) was he in *England?*

*Lydcot.* I read it before. We arrived from *Liege* to *London, January* 24. (72.) and ſtaid at *London* till *May* (73.)

L. H. *Stew.* But where was my Lord all the year (72?)

*Lydcot.* Pray, my Lords, do you mean New ſtile, or Old ſtile?

L. H. *Steward.* When I ſpeak of his being at *London,* I mean the ſtile of the Countrey.

Sir *William Jones.* Then under favour, he ſpeaks of the latter part of the year: I deſire to know, whether my Lord for all the former part of the year was in *England.*

L. H. *Stew.* Where was my Lord in *December* (72.) and in *November* before that, and in all the year up backwards?

*Lydcot.* My Lords, I have told you the whole year.

L. H. *Steward.* But where was my Lord from *January* 71. to *January* 72?

*Lydcot.* In 71. *June* 19. New ſtile, we came to *London,* and returned in *September* to *Liege*; from *Liege* we ſet forth to *Paris January* 1. 72. and arrived at *London January* 24.

L. H. *Stew.* He runs paſt the time.

Sir *Will. Jones.* My Lords, we ask him a plain Queſtion, but he does not anſwer it; he ſlips over the time that we deſire your Lordships to ask him about

L. *Stafford.* I beſeech your Lordships that it may be made plain, that there may nothing be ſaid afterwards that it was not plain.

*Lydcot.* Sir, Do you propoſe any thing to me, and I will anſwer it.

Sir *Will. Jones.* Anſwer not us, anſwer my Lords.

*Lydcot.* I deſire any body may peruſe my Notes, if they pleaſe.

*L. H. Stew.* Pray, Sir, anſwer the Queſtion, which in very short terms is this, where my Lord *Caſtlemain* was all the whole year 72.

*Lydcot.* Well, my Lords, I will: I can but read it over again. From *Liege* we ſet forth to *Paris, January* 1. 72.

*L. H. Stew.* Are not you a rare Fellow now?

*Lydcot.* My Lords, I underſtand it according to the ſtile of that Country when I am there, and of this place when I am here

L. H. *Stew.* Anſwer me according to our ſtile.

*Lydcot.* This that I have written here, in the Book out of which I took it, hath

hath been written ever ſince that time; and I did not think I ſhould er'e be called to account about it.

L. *H. Stew.* Begin *January* the 1ſt. 71.

*Lydcot.* We went from *Liege* to *Paris*, where we ſtaid about a week, or ſuch a time, and we arrived at *London*, *January* 24. that is the Old ſtile, and ſtaid at *London* till *May* 8. 73.

*L. H. Stew.* That is impoſſible, for you 'ſcape a year and a half to together.

*Lydcot.* My Lord was here in *England* in *January*.

*L. H. Stew.* You begin very gravely with *January*, *ſtylo veteri*, that you came from *Liege*, and ſo *January* 24. *ſtylo veteri*, you came to *London*.

*Lydcot.* When I ſpeak of any ſtyle, I underſtand it according to the ſtyle of the Countty.

*L. H. Stew.* But in your account, what is become of all the time from *January* 71. to *January* 72. ſay and ſwear, if you can, where my Lord was all that time.

*Lydcot.* He muſt be in *London*.

*L. H. Stew.* Can you take it upon your Oath, that my Lord was in *London* from *January* 71. *ſtylo veteri* to *May* 73. *ſtylo veteri*?

*Lydcot.* I cannot know how to count better than I have done.

*L. Stafford.* Mr. *Turbervill*, ſays, my Lord *Caſtlemain* was in 73. at *Powis*-Caſtle; I beſeech your Lordships this man may be asked, and that without any interruption, where my Lord was that year.

Sir *Will. Jones.* With your Lordships favour, I muſt deſire your Lordships to ask Mr. *Turbervill* whether he did ſay poſitively the year 73. for if my Ears and my Notes do not fail me, he ſaid, *As he remembred*, and that is the reaſon why we ask about the year 72.

Mr. *Turbervill.* My Lords, I do not ſay poſitively, nor cannot, which year it was.

*Lydcot.* My Lords, I do ſtand upon it that he was in *London* *January* 72. and went away *May* 73.

L. *H. Stew.* What becomes of the mean time, between *January* 71. and *May* 73?

*Lydcot.* My Lords, I explain my ſelf as well as I can.

L. H. *Stew*, My Lord *Stafford*, will you call any more Witneſſes.

*L. Stafford.* Yes, my Lord.

L. H. *Stew.* Call them then.

Earl of *Shaftsbury.* My Lord High *Steward*, I deſire my Lord *Stafford* may be asked how many Witneſſes my Lord hath more, for it now grows late.

*L. H. Steward.* My Lord, I deſire to know how many Witneſſes you have more?

L. *Stafford.* Three or four, I can't well tell how many.

Lords

*Lords.* Adjourn, Adjourn.

*Lord. High. Steward.* Is it your Lordships pleasure that we do Adjourn?

*Lords.* Ay, Ay.

*L. H. Steward.* Then this House is Adjourned into the Parliament Chamber.

*Then the Lords returned in their former Order to their House, and the Commons went back to their House.*

Mr. Speaker, *resumed the Chair, and a Message from the Lords was sent by Sir* Timothy Baldwin *and Sir* Samuel Clark.

*Mr. Speaker,*

The Lords have sent us to acquaint this House, that they have Ordered the Prisoner *William* Viscount *Stafford* to be brought again to his Tryal at the Bar in *Westminster-Hall* to morrow morning at Ten of the Clock.

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## The Fourth Day.

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### *Friday, December* 3. 1680.

ABout the Hour of Ten in the Morning the Lords Adjourned into *Westminster-Hall*, and returned in their former Order into the Court there erected; and *Mr. Speaker* having left the Chair, the Commons were seated as before mentioned.

The Court being sat, Proclamation for Silence was made, and the Lieutenant of the *Tower* commanded to bring his Prisoner to the Bar, which being done, the *Lord High Steward* spake to the Prisoner as followeth.

*L. H. Steward.* My Lord *Stafford*, your Lordships Defence took up yesterday; All the day was employed in hearing your Lordships Witnesses to impeach the Credit of the Testimony that hath been given against you. Your Lordship hath excepted against *Dugdale*, because you were not at *Tixall*, as he says you were; neither the latter end of *August*, nor the beginning of *September* till the Twelfth; and when you were there, you never sent for him to your Chamber, but your Man upon his own desire brought him, and when he came there, the business was to desire you to get leave that he might go to the Race; and there was no opportunity of private Discourse, because your Men were in the Room all the while; That *Dugdale* hath often said he knew nothing of the Plot; that he swore falsly when he said he told of the Letter about the death of Sir

*Edmundbury*

*Edmunbury Godfrey* before it was known he was killed; and when he ſaid, that *Hobſon* told him preſently after the Almoner went over, which was three years before *Hobſon* came to my Lord *Aſton*'s Service. Your Lordship hath likewiſe objected, that he hath corrupted perſons to ſwear falſly againſt you, and others, as *Robinſon* the Upholſterer, againſt your Lordship, *Morrall* the Barber againſt Sir *James Symons*, and *Holt* the Blackſmith to ſwear that one *Moor* carried away *Evers*. Your Lordship hath endeavoured to diſcredit *Oats*, by his ſaying he knew nothing of any other perſons that were concerned in the Plot, and after accuſing the Queen: Your Lordship hath Impeached the Credit of *Turbervill*, by proving, that you came home by *Diep*, and not by *Calice*, as he ſays you did; That you had never the Gout while you were in *France*, nor, as your Page ſays, for theſe ſeven years; That my Lord *Caſtlemain* was not at my Lord *Powis*'s in the year 73. and there you left off. This I take is the Sum of what your Lordship ſays, if I do you any wrong, your Lordship will put me in mind of it.

*L. Stafford.* I thank your Lordship, you have done it with great Equity and Truth.

L. H. *Stew.* Then go on.

L. *Stafford.* The next Witneſs that I call, is one *John Porter*.

*(Who ſtood up.)*

L. H. *Stew.* What is your Name?

*Witneſs.* *John Porter.*

L. H. *Stew.* What Profeſſion are you of?

*Porter.* A Butler.

L. H. *Stew.* To whom?

*Porter.* To my Lord *Powis*.

*L. Stafford.* My Lords, I deſire your Lordships would ask him what Mr. *Turbervill* ſaid about the Plot.

*L. H. Stew.* I will ask him all the Queſtions your Lordship deſires I should ask him.

Mr. *Foley.* We deſire to know what Religion he is of?

L. *Stafford.* I deſire your Lordships would ask him that Queſtion, and not the Managers.

L. *H. Stew.* They will tell me their Queſtions, my Lord, and I will ask them.

*L. Staff.* They ask him, my Lords, and not you.

*L. H. Stew.* What Religion are you of?

*Porter.* A Church of *England* man my Lords.

Mr. Serj. *Maynard.* The Popish Church of *England*, I believe.

*L. Stafford.* Pray, my Lords, let not this be, when my Witneſs ſays he is of the Church of *England*, they cry he is of the Popish Church of *England*.

Mr. Serj. *Maynard.* Pray, good my Lord, we are ſilent when you ask him proper

proper Questions, and make no Remarks, we do not speak it to the Court, we may say what we will among our selves, I hope.

*L. Staff.* I may ask impertinent Questions, because I do not understand so well as these Gentlemen. But I pray they may not deal thus with me.

*L. H. Stew.* My Lord, you shall ask what Questions you please.

*L. Stafford.* Pray ask him what Mr. *Turbervill* said to him about his knowledge of the Plot.

*L. H. Stew.* What did *Turbervill* say to you about his knowing of the Plot?

*Porter.* About a year since, when I served my Lord *Powis*, as Butler there, he was used to come and see me, it was not at my Lords House, but he sent for me to a Victualling-House——

*L. H. Stew.* That was the last year?

*Porter.* Yes.

*L. H. Stew.* What time of the Year?

*Porter.* It was about Twelve Months ago, I cannot say positively the time.

*L. H. Stew.* Was it Winter or Summer?

*Porter.* He hath been both, I can't be positive which; I believe he hath been there 40 times.

*L. H. Stew.* In the year (80) or (79?)

*Porter.* In the year (79.)

*L. H. Stew.* What did he say?

*Porter.* He came there, and asked me how my Lord *Powis* did, and said he was extremely troubled that he was in that Affliction, for he did verily believe, that neither he, nor the rest of the Lords were in the Plot, and the Witnesses that swore against him, he believed were perjured, and could not believe any thing of it.

*L. H. Stew.* Have you any more to say?

*Porter.* Yes, my Lords, I told him if there were such a thing as a Plot, he having been beyond Sea, must certainly know of it; he told me, as he hoped for Salvation, he knew nothing of it, neither directly nor indirectly, against the Kings Sacred Person, nor the Subversion of the Government. And he further said, Although I am a little low at present, and my Friends will not look upon me, yet I hope God Almighty will never leave me so much, as to let me swear against innocent Persons, and forswear and damn my self.

*L. H. Stew.* Where was this said to you?

*Porter.* At the *Ship* Alehouse in *Lincolns Inn Fields* one time, another time at the *Kings Head* Tavern in the *Strand*, and another time at the *Golden Ball* in the *Strand*.

*L. H. Stew.* Was any body by, besides your self?

*Porter.* Not at that time, but there is a Gentleman in Court, that can testifie that he said such things at other times.

*L. H. Stew.*

*L. H. Stew.* What ſay you to this *Turbervill?*

Mr. *Turbervill.* I ſay 'tis all falſe. But if your Lordships pleaſe, I'll tell you what I ſaid once, I did conceive my Lord *Powis* was the leaſt concerned of any, I thought, and I hoped it would prove ſo. I can take all the Oaths in the world I ſaid no more.

*L. H. Stew.* What elſe do you know?

*Porter.* Only ſuch things as theſe he hath often ſaid.

*Earl of Shaftsbury.* Pray, my Lords, ask him how came *Turbervill* to talk of Witneſſes about the Plot.

*L. H. Stew.* Upon what occaſion came *Turbervill* to talk of theſe matters?

*Porter.* It was only voluntary of himſelf, it was ſpeaking of my Lord *Powis*, and the reſt of the Lords in the Tower.

*Earl of Shaftsbury.* My Lords I mean of his own being a Witneſs.

*L. H. Stew.* How came *Turbervill* to ſay, he hoped God Almighty would never forſake him ſo far, as to let him ſwear againſt innocent Perſons, he was never called to be a Witneſs?

*Porter.* But, my Lords, ſome of his Friends did ſay they were fearful of him, in regard he was reduced to poverty; His Friends were fearful.

*L. H. Stew.* Who were fearful?

*Porter.* His Brother and Siſter, Mr. *Turbervill* and his Wife.

*L. H. Steward.* Did he take notice to you that they were afraid he would come in?

*Porter.* Yes, Mr. *Turbervill* did tell me himſelf, that they heard he would come in?

*L. H. Stew.* Have you ſaid all you have to ſay?

*Porter.* My Lords that is all I have to ſay.

*L. H. Stew.* Then call another, my Lord.

L. *Stafford.* Where is Mr. *Talden?*

*(Who ſtood up.)*

*L. H. Steward.* What is your Name?

*Witneſs. Talden.*

*L. H. Stew.* Your *Chriſtian* Name?

*Witneſs. John.*

*L. H. Stew.* What is your Profeſſion?

*Talden.* A Barreſter at Law.

*L. H. Stew.* How long have you been called to the Bar?

*Talden.* I was called to the Bar laſt *Trinity Term* 12 months.

L. *H. Stew.* What Houſe are you of?

*Talden. Grays-Inn.*

L. H. *Stew.* Are you a Practiſer?

*Talden.* Yes, my Lords.

L. H. *Steward.* What Religion are you of?

*Talden.* Of the Church of *England.*

L. *H. Steward.* Well, what can you ſay?

*Talden.* I am ſummoned to appear by Order of this Houſe, and I deſire to know of my Lord what he is pleaſed to examine me about.

L. *Staff.* What Mr. *Turbervill* hath ſaid in his hearing about the Plot.

L. *H. Stew.* What Diſcourſe hath paſſed between you and *Turbervill* about the Plot?

*Talden.* My Lords, in *February* or *March* laſt, I was walking in *Grays-Inn-Walks* with Mr. *Turbervill,* and Mr. *Powell* and he dined with me a day or two after, and there Mr. *Turbervill* and I were talking of the Diſtractions of the Times, how Trade was ruined, how the whole Kingdom was out of order, and he was a little touched at ſome things, and cryed out, *Gu! Dam me, now, there is no Trade good but that of a Diſcoverer, but the Devil take the Duke of* York, Monmouth, *Plot and all, for I know nothing of it.*

L. *H. Stew.* That is odd, that he ſhould ſay it was a good Trade to be a Diſcoverer, and at the ſame time ſay, he knew nothing of the Plot.

*Talden.* This I underſtood to be his meaning; he curſed himſelf and them, becauſe he knew nothing of the Plot to diſcover, for he would have got money by it (as I underſtood) as well as others.

Mr. *Turbervill.* My Lords, Mr. *Talden* did declare yeſterday, he was ſummoned in by my Lord *Stafford* the laſt night, and that he had nothing to ſay but what was by Hear-ſay.

Mr. *Talden.* My Lords, I do declare what I ſay is true; and yeſterday Mr. *Powell* gave me a Caution to take heed what I did, and ſwore, by God, it would elſe be the worſe for me.

*L. H. Steward.* Who did?

*Talden.* Mr. *Powell.*

*L. H. Steward.* Who is that?

*Talden.* Mr. *Turbervill*'s Friend. And I ſaid I do not appear here as a voluntary Evidence, but by an Order of the Houſe of Lords; I do not know what weight my Evidence may have, for I can ſay nothing but what I heard him ſay, and ſo perhaps it will be taken but for an Hear-ſay.

Mr. *Turbervill.* You ſaid you knew nothing but by Hear-ſay.

*L. H. Stew.* Will you ask him any Queſtions Gentlemen?

*Managers.* No, my Lords.

*L. Stafford.* My Lords, I ſhall not trouble your Lordſhips with any more Witneſſes as to theſe Points; I have here a Copy of the Warrant for the Yaught to go to *Diep*; and if there be any Queſtion whether I did come over from *Diep* at *Chriſtmas* 75. if you pleaſe the Book may be ſearched.

*L. H. Stew.* My Lord it is all loſt, for I hear not one word.

*L. Stafford.*

L. *Stafford.* I ſay, my Lords, if it be fit to trouble your Lordships with it, I can prove that I did come over in the Yaught from *Diep* at *Chriſtmas* 75. Here is the Copy of the Warrant for it to go for me. And whether you will have it proved that I did come over thence, I ſubmit to you.

*L. H. Steward.* I ſuppoſe that is fully proved already, that you did come by *Diep.*

*Managers.* We do not deny it.

*L. H. Stew.* You do not ſtand upon it, Gentlemen, do you?

*Managers.* No, no, my Lords.

*L. H. Stew.* 'Tis admitted to you, my Lord.

L. *Stafford.* My Lords, when I went from your Lordships Bar laſt night, I had no thoughts of examining any Witneſs, but what I have already done: But, my Lords, ſince I was here, there hath ſomething happened, about which I deſire Dr. *Oats* may be called again, (I ſhall give you the reaſon why I move it afterwards,) upon ſomething I heard yeſternight.

*L. H. Stew.* Call Dr. *Oats* again. (*Who appeared and ſtood up.*)

*L. H. Steward.* My Lord, what does your Lordship call him for?

L. *Stafford.* He did ſay, that he being a Miniſter of the Church of *England*, did ſeemingly go over to the Church of *Rome*, or ſome ſuch words; I deſire he may anſwer that firſt.

L. *H. Steward.* What ſay you?

Dr. *Oats.* Yes, I did ſay, I did but ſeemingly go over.

L. *Stafford.* I deſire to know, whether he was really a *Papiſt*, or did but pretend.

Dr. *Oats.* I did only pretend, I was not really one, I declare it.

*L. H. Stew.* What do you make of that?

L. *Stafford.* I deſire to know how long Dr. *Oats* was in *Spain.*

Dr. *Oats.* My Lords, I came into *Spain* in *May*, and I came home again in *November.*

*L. H. Steward.* That is ſix months.

L. *Stafford.* He is called Dr. *Oats*: I beſeech your Lordships to ask him, whether he were a Doctor made at the Univerſities here, or abroad.

Dr. *Oats.* My Lords, if your Lordships pleaſe, any matter that is before your Lordships, I will anſwer to it, but I hope your Lordships will not call me to account for all the Actions of my life, whatever Evidence is before your Lordships, I will juſtifie.

*L. H. Stew.* The Doctor hath never taken it upon his Oath, that he was a Doctor, and why do you ask it?

L. *Stafford.* He is called a Doctor, and I would know whether he did never declare upon his Oath, that he took the Degree at *Salamanca?*

Dr. *Oats.* My Lords, I am not aſhamed of any thing I have ſaid or done.

I own what is entred as my Oath before your Lordships, and am ready to answer it; but I am not bound to say, what does not at all concern this business.

L. *Stafford.* I say, my Lords, 'tis entred upon your Lordships Books, that he did swear at the Council, he was at *Madrid* with *Don John* of *Austria*; I would know of him whether he did so.

Dr. *Oats.* My Lords, I would have my Lord to propose the Question to the Court of Peers.

*L. H. Steward.* Have you sworn any thing of *Don John* of *Austria?*

Dr. *Oats.* My Lords, I refer my self to the Council Book.

*L. Stafford.* I beseech your Lordships, I may have that Book.

*L. H. Steward.* I believe it is in the Narrative, turn to the Journal, you have that mentioned there.

*To which the Clerk turned, but it could not be found.*

*L. H. Stew.* If you will not acknwledge it, we must stay till the Book be brought.

Dr. *Oats.* My Lords, if your Lordships please, I will repeat, as well as I can, what was said at the Council Table, but I had rather the Council Book were fetched, because I am upon my Oath; but, my Lords, I always thought the Council Book is no Record upon any man.

L. *Stafford.* I desire it may be produced, or he own that he said so.

*Lord High Steward.* What you said at the Council Table, you said upon your Oath, and 'tis lawful to lay it before you.

Dr. *Oats.* But, if your Lordships please, as to what was said at the Council Table, if my Lord will bring any one *Viva voce*, to swear what was said by me there, that will make something.

L. *H. Stew.* That may be material, as he says, That your Lordship should bring some body to swear he said so; for the Clerks may mistake him.

L. *Stafford.* If your Lordships please that the Book may be sent for, I will make it out.

Sir *W. Jones.* It could not be read if it were here.

L. *H. Stew.* If the Clerks will swear what is in the Books, it may.

Sir *W. Jones.* But whether the Clerks will take that upon them or no, may be a Question.

*Lord. High. Steward.* Go on in the mean time.

L. *Stafford.* I cannot conclude with him without it.

L. *H. Stew.* Where is the Council Book? For the Clerks inform me 'tis not in their custody; but the Gentlemen of the House of Commons have been attended with the Book, and other Papers relating to it.

L. *Stafford* In the mean time, give me leave to say something; though perhaps

haps it may be nothing to the purpose; Mr. *Talden* was just now going down, and *Turbervill* threatned to lay him by the Heels.

*L. H. Stew.* If he did so, 'tis a Misdemeanor, and he must be punished for it. Call *Talden* and *Turbervill*.

*L. H. Stew.* Mr. *Turbervill*, Have you dared, or threatned *Talden* the Witness, to lay him by the Heels?

Mr. *Turbervill.* I did not speak any such words to him, Mr. *Dugdale* was just by me all the while.

*L. Stafford.* I tell you but what he said, and what I can prove by Witness; pray call *Talden*.

Mr. *Turbervill.* This Gentleman, Captain *Scudamore*, stood by me too.

*L. H. Stew.* But I ask you upon this Misdemeanor, Whether you threatned *Talden* to lay him by the Heels?

Mr. *Turbervill.* My Lords, I stood by Mr. *Dugdale* till he was gone down.

*L. H. Stew.* How could he lay him by the Heels? By what Authority could he do it?

Mr. *Turbervill.* I did not speak such a word, upon my Oath.

*L. Stafford.* Ask *Talden*, I am told he did.

*L. H. Stew.* I am afraid you are misinformed, my Lord, for he could not do it, 'tis not in his power.

*L. Stafford.* He threatned he would Goal him, but if you won't Examine it, I submit to you.

Dr. *Oats.* My Lords, *Talden*, it seems, calls us a Pack of Rogues, that give Evidence for the King; and here are Witnesses of it.

(*Yalden stood up.*)

*L. H. Stew. Talden*, were you threatned by *Turbervill*?

*Talden.* Yes, I will tell you how I was threatned, my Lords, Mr. *Turbervill* pulls me by the Arm, when I had given my Evidence, and asked me if I knew him, and bid me take care.

*L. H. Stew.* Do you call that a threatning?

*Talden.* My Lords, I did not make this Complaint, nor did I desire it should be made; but speaking this in the Room, some body carried it to my Lord.

Mr. *Turbervill.* My Lords, now he hath done, let me speak, I pray; Mr. *Talden* did say in the hearing of Captain *Scudamore*, who is here, he had got a great many Clients here, but you, says he, have got nothing but a pack of Rogues.

*Talden.* That is a mistake.

*L. H. Stew.* This is fine work. But, Gentlemen, will you call Captain *Scudamore* now, or will you stay till afterwards?

Sir *Fr. Winn.* My Lords, Mr. *Turbervill* desires it may be now, and we do also desire it upon this occasion, Captain *Scudamore* is a man of Quality, and will

give,

give you a true account. We did not think to have interposed in my Lord *Stafford's* Evidence, but he having impeached our Witnesses of a Misdemeanor, we conceive it fittest to clear it at this time.

*Then Captain* Scudamore *was sworn.*

L. *H. Stew.* Mr. *Scudamore*, what are you called for? Can you say any thing that happened between *Turbervill* and *Talden?*

Captain *Scudamore.* The Gentleman that is here, that said he was one of *Grays-Inn*, I do not know his Name———

*L. H. Stew.* 'Tis *Talden.*

Captain *Scudamore.* I heard a Gentleman ask him, if he came there to get Clients? And he said, I know nothing among you but Roguery.

L. *Stafford.* Whereabouts did this Gentleman stand?

Captain *Scudamore.* In the Passage.

Mr. *Turbervill.* Here are five or six more that heard him say so.

*Talden.* That which I said, was this, That I might come hither for Practice, but I did not come hither for Roguery.

*L. H. Stew.* My Lord *Stafford*, until such time as the Council-Book comes, which may be sent for: Will your Lordship proceed to something else?

L. *Wharton.* My Lord *Steward*, I humbly conceive, That it was resolved in the Lords House, the day before yesterday, that no Book should be sent for out of the Court, and it was done upon the Judgment of all the Judges of *England.*

*Talden.* My Lords, They will not permit me to go down.

L. *H. Stew.* There is a strange Quarrel between you Witnesses, and an Affectation of complaining one of another. Let Mr. *Talden* go down.

Sir *W. Jones.* My Lords, I would only acquaint your Lordships, that the Council-Book, that my Lord does make mention of, was in the hands of our Clerk, we did not know of it when it was first discoursed of; but now understanding that here it is, we desire it may be delivered in to any body that hath occasion for it.

L. H. *Stew,* Hand it in. *(Which was done.)*

L. H. *Stew.* What day does your Lordship speak of?

*L. Stafford.* The 28, 29, or 30. of *September.*

*Clerk.* Then this is not the Book, for this is for *January.*

L. *Stafford.* My Lords, Is it your Lordships pleasure I may have Pen, Ink, and Paper allowed me?

*L. H. Stew.* Yes, yes, give my Lord Pen, Ink and Paper, *(which they did.)*

*Then the Lord High* Steward *looked upon the Council-Book.*

*L. H. Stew.* My Lord *Stafford*, In this Council-Book, as far as we can inform our selves by the Table of it, there is nothing at all of it; it must be the Council-Book in *September.*

Sir

Sir *Will. Jones.* We have no other Book but that.

L. H. *Stew.* Why did not your Lordship send all this while to the Council Table for any thing that was material, but give the Court the trouble to be interrupted upon your Inquiries?

*L. Stafford.* My Lords, you may do what you please, I did not know any such thing would have needed to be urged. I have proof enough without the book; The use I should have made of it, is this, I do appeal to some of your Lordships (you that were of the Council) I do appeal to which of you that were by, whether Dr. *Oats* did not say at the Council Table, he had been at *Madrid*, he went from *Vallidolid* to *Madrid*, and there did preach something at the Jesuits Colledge at *Madrid*, (what it was I cannot tell) when *Don John* of *Austria* was by.

L. H. *Stew.* If any of my Lords of the Council do remember it they may Testifie.

L. *Privy Seal.* My Lords, I shall tell your Lordships as much as I remember of it: Dr. *Oats* was examined about his Journey into *Spain*, and (amongst the rest) some Question hapned to be asked, whether he had seen *Don John* of *Austria*, he said he had seen one that was called so, that he knew him not, but he was pointed to one that they said was *Don John* of *Austria*; that I heard.

L. *Stafford.* My Lord, I thank you.

L. H. *Stew.* You hear what is said, Dr. *Oats.*

Dr. *Oats.* My Lords, suppose I did say so, I think there is no crime in it.

L. H. *Stew.* 'Tis not objected against you as a Crime, but as a mistake in your Oath, there was no such man there.

L. *Privy Seal.* My Lords, I would not be misunderstood in the Evidence I give; I did not say that *Oats* said he knew him, but that he knew him not, and only was told such a man was he.

Dr. *Oats.* It was made apparent, that I did not know him, because I mistook his Person.

*L. Stafford.* I do stand upon it, That upon his Oath, (and *I* have reason to believe he did so, because *I* am so informed) he said it was *Don John* of *Austria.*

L. *Privy Seal.* No, my Lord, Dr. *Oats* said he was a tall lean man, and it seems he was a little fat man.

L. *Stafford.* If any man would shew him a man to counterfeit *Don John* of *Austria*, he would not shew him a lean man for a fat.

*L. H. Stew.* Go on, my Lord.

*L. Stafford. I* shall now put your Lordships in mind that he swore, but my Memory is bad, and my Eyes much worse, that he saw me receive a Commission, and it seems he saw what it was too: Now it is strange, that amongst so many Commissions that were given, none should be extant; I desire him to shew the Commission he saw me receive.

L. *H. Stew.*

L. *H. Stew.* Would your Lordship have him shew the Commissions which he saw you receive?

L. *Stafford.* I do not believe he can shew my Commission; for I am sure there was none; I desire him to shew any one of my Letters he talks of. He says, he came over, feigning to be a Papist, when he was not, and that they shewed him presently all my Letters, and now he is come to discover the Plot; I ask him, did he keep any one of my Letters?

*L. H. Stew.* Have you any of my Lords Letters by you?

Dr. *Oats.* My Lords, I could not keep any Letters sent to the Fathers, I had a sight of them, but none of them to my particular use.

*L. Stafford.* Does he know my Hand? did he ever see it in his life?

Dr. *Oats.* Yes, I do know his Hand, I believe I have a Letter of my Lords by me, but not about me, 'tis of no Concern; I'm sure I have one of my Lord *Arundel's.*

*L. Stafford.* But he says he hath a Letter of mine; let him shew one of my Letters.

Dr. *Oats.* He writes a mixt Hand, I think 'tis but an indifferent one.

L. *Stafford.* So many Comissions, and so many Letters, as are spoken of, and not one to be found or produced.

*L. H. Stew.* Can you send for the Letter?

Dr. *Oats.* My Lords, I am not certain of that.

*L. H. Stew.* Where did you see my Lord write?

Dr. *Oats.* At *Fenwick's*, my Lords, when I carried the Letter to the Post.

L. *Stafford.* How often hath he seen me at *Fenwick's*?

Dr. *Oats.* My Lords, not above twice, if twice.

L. *Stafford.* My Lords, I cannot say I did not see him there, but I can say I don't know the place, nor that ever I was there.

Dr. *Oats.* My Lords, will his Lordship say I never saw him at Dr. *Perrots*?

*L. Stafford.* Who?

Dr. *Oats.* My Lord *Stafford.*

L. *Stafford.* Where did he live?

Dr. *Oats.* In *Dukes-street*, going into *Lincolns-Inn-Fields*; he is the Arch-Priest of the *Seculars*, that is, the Principal of the Secular Clergy; and he hath the care of the *English* Colledge for the sending of Scholars to the Colledge. Mr. *Fisher*, my Lord *Stafford*, and Dr. *Perrot* were together discoursing about sending his Son thither, and Mr. *Fisher* would have one sent with him that was Dr. *Perrot's* Man.

L. *Stafford.* I do profess before God, I was never at Dr. *Perrot's* in my whole life.

*L. H. Stew.* Did not you send your Son abroad?

L. *Stafford.* No, my Lords, not I.

*L. H. Stew.* Had he a Servant at Dr. *Perrot*'s to attend him?

Dr. *Oats.* No, my Lords, not that I know of, I cannot say he had not.

L. *Stafford.* I tell you positively, as I am a Christian, my Lords, I did not send my Son to *Lisbon*, he went against my Will. I told him I had an aversion to it, but said I will not lay my Commands on you not to go, but he would go, I could not help it; I told him, Do you mean to go into the Colledge? he would not tell me.

*L. H. Stew.* Pray, my Lord, does not your Lordship know Dr. *Perrot*?

Lord *Stafford*, Yes, my Lords, I do.

L. *Stafford.* Were you never with him at his House in *Duke-street*.

*L. Stafford.* No, my Lords, never in my life, nor saw that *Fisher* he speaks of, ever in my life.

Dr. *Oats.* My Lords, 'tis against the Rules of that House, that any be admitted of that House (if their Parents be Catholicks) without consent of their Parents.

*L. Stafford.* If he be admitted there, I know it not.

Dr. *Oats.* He lives there.

L. *Stafford.* But I protest before God, my Lords, I asked him that Question, Will you go to the Colledge? No, says he, I will go to lie at the Bishops House; but as for Dr. *Perrot*, I never was at his Lodgings in my life, and I never knew where he lay; he hath been with me sometimes, but I knew not that he was a Doctor. But, my Lords, I desire I may not be ran down by these Fellows, who do not speak a word true, nor one tittle. My Lords I have Witnesses in whose House *Fenwick* lay. Call them and ask them if ever they knew me in their lives.

*L. H. Stew.* What kind of man was he?

Dr. *Oats.* My Lords, he is an ancient man he wears his own Hair.

*L. H. Steward.* Is he a tall man, or a low man?

Dr. *Oats.* A lusty man.

L. *Stafford.* Truly, my Lords, I never was at his house since I was born.

Dr. *Oats.* My Lords, I'll tell your Lordships a Circumstance, That Summer *Don Francisco de Melos*, the Ambassador here was sick, and I think he died of the Sickness, Dr. *Perrot* was his Father Confessor; I was waiting for Dr. *Perrot* some time, for he promised to meet me at his Lodgings, and this Gentleman the Prisoner at the Bar did come in there.

L. *Stafford.* Where?

Dr. *Oats.* Into Dr. *Perrot*'s Lodging. Dr. *Perrot* had a Kinsman there that waited on him; and when my Lord came in, he was in haste to speak with Dr. *Perrot*, and he offered me half a Crown to fetch Dr. *Perrot* to him, and I made him this Reply, I was no Porter.

*L. Stafford.* If ever I saw this man in my life since I was born, or heard of

his Name till the Plot, then I will confess my self guilty of all. Indeed, when first I heard of the Plot (they said) there was one Mr. *Oats* discovered it, but I did not know any such man.

Dr. *Oats*. I went by another Name, and went in another Habit, and my Lord *Stafford*, though his memory be bad, yet it can't be so bad, but that he must remember something of me.

*L. Stafford*. I don't remember you, I never saw your face in my life.

*L. H. Steward*. You would have given him half a Crown to have fetch'd Dr. *Perrot*.

*L. Stafford*. It seems then at that time, I took him for a poor Fellow, that I should offer him a shilling or two.

Dr. *Oats*. It is like I was, but I refused your half Crown, and told you I was no Porter.

*L. Stafford*. My Lords, I shall give you Evidence that he was a poor Fellow, since he gives me occasion to prove it, nay, that he was so poor, that he was brought down to accept of 6 *d*. I will prove it by the party that gave it, now he puts me upon it: But, my Lords, this Doctor *Oats* says he saw some of my Letters, I desire to know what was in them; Did he take any Notes? What was in them?

*L. H. Stew*. Did you when you had a sight of these Letters at St. *Omers*, take any Notes out of them?

Dr. *Oats* What Notes I did take, if I did take any, I have not now in being, but I do not remember that I did take any. Besides, my Lords, we could keep no Papers by us, but what we communicated to our Superiours, and therefore it was still their care to look after their Papers themselves; and in that Circumstance of time, if they had known I had taken Notes out of their Papers, it would have been prejudicial to me, and indangered my life.

L. *Stafford*. My Lords, I infer this one thing further, upon what this Doctor *Oats* tells you, He did seemingly profess himself of the Catholick Religion, and I do stand upon it, that hereupon he is no competent Witness in that which he offers against me: For he being of the Church of *England*, (for I think he professes himself so, and wears that Habit) I say, any man, let him be who he will in the world, Church of *England* man or other, that shall pretend himself to be a Papist, for what end soever it be that he so pretends, and dissembles with God Almighty, which he must do to a great height, in receiving that Sacrament, which is by your Lordships and the House of Commons declared to be gross Idolatry, is not easily to be esteemed a Witness. I appeal to your Lordships, to the House of Commons, and every body, whether such a Fellow, that will abhor his Religion, let him do it for any ends in the world, be a man to be credited; and especially ingaging in such a way, to such an height, in that which his Conscience tells him is idolatrous, is not a perjured Fellow, and no compleat Witness? No Christian, but a Devil, and a Witness for the Devil. And I appeal to the

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whole Christian World, if a Protestant of the Church of *England* should come to be a Servant to a Catholick and pretend himself a Papist, and were not so, whether he were fit to be countenanced; as it did once happen to me at *Brussels*, fore the King came in, one that was a Protestant came to be my Footman, and he professed himself afterwards to be a Catholick; and when I found he was not so, I told him what a Villain he was, and he ought to be punished severely. I detest such dissembling with God, and I think by the Laws of God and Man, and the Holy Scriptures, such a perjured man is no Witness. I am sorry I have troubled your Lordships so long. But now if you please to give me leave, my Lords, I will give you my Reasons why I called him now: when *I* did remember how he had dissembled with God Almighty, as I said before, *I* did consider with my self, sure this Dr. *Oats* must have been, ever since he hath returned, of a very severe, strict and sober life; for a man that hath so dissembled with God, ought to shew himself of an exemplary, peaceful, pious, civil life, to testifie the truth and reality of his Repentance. But last night when I came home, and was siting by the fire side extreamly weary, my Daughter here comes in, and asks me if I had heard what had passed between Dr. *Oats* and the Lieutenant; how he called the Lieutenant Rascal and Goaler: sure then, said I, to my self, this is not the quiet, civil, sober man, that such a one that hath lived as he hath done, ought to be. And this is the reason I speak of it, that he should call him vile Names, Goaler and Rascal; it did not become a man of his Coat to do it: whether it was so or no, I do not know, but Mr. Lieutenant, I suppose, will satisfie your Lordships.

*L. H. Steward.* What did *Oats* say to you, Mr. Lieutenant?

*Mr. Lieuten.* My Lords *I* was desiring Mr. *Oats* that he would keep the people down, because there was a great croud; and seeing a great many people come in, he told me, they were Witnesses that were to come in: said *I*, *I* believe half of these are not Witnesses; and the door opening so often, *I* could keep this place in no order; so *I* desired they would stand away that were not Witnesses: why, says he, you are but a Goaler; then *I* told him, if it were not for his Coat, and *I* were out of this place, *I* would break his head. Then he called me Raskal.

L. *Stafford.* My Lord Steward, *I* desire to know whether this be a Witness fit to be believed against any man.

L. *H. Stew.* Mr. *Oats*, this does not become you; 'tis very ill manners in you.

Dr. *Oats.* My Lords, the Lieutenant of the *Tower* hath the Law; and *I* refer my self to the Law, if *I* have done him any wrong.

Mr. Serj. *Maynard.* It did not become Mr. Lieutenant of the *Tower* to tell him he would break his head.

*Mr. Lieutenant.* Why? if any man out of the Court, or in another Habit, should tell me *I* was a Goaler, *I* think *I* should not deserve to be the Kings Lieutenant, if *I* did not break his Head.

Mr. Serj. *Maynard.* Pray tell the Court so. But yet, under favour, you ought not to threaten him for a word to break his head.

L. *Stafford.* My Lords, *I* do say this to your Lordships, a man that hath dissembled with God Almighty in so high a nature, as he ackowledges himself to have done, ought to be a man of a very severe life afterwards, and not so passionate and cholerick, as it seems this fellow is.

*L. H. Stew.* Will your Lordship proceed?

L. *Stafford.* For this man, truly, *I* shall say no more; *I* think *I* have said enough to make him appear a person not fit to be believed. *I* would only ask *Stephen Dugdale* a Question, if you please; 'tis but a little, *I* won't hold you long. *I* only ask, and if he deny it, *I'le* prove it, whether he was not a Prisoner at *Stafford* for Debt, when he made the first Affidavit?

*L. H. Stew.* Were you a Prisoner for Debt at *Stafford,* when you made your first Affidavit?

Mr. *Dugdale.* In the Serjeants hands *I* was, my Lords.

*L. Staff.* For a very great Debt, my Lords, some hundreds of pounds, and he was a fellow not worth a Groat: And, my Lords, Dr. *Oats* says *I* offered him half a Crown, and he refused it. *I* call *Ellen Rigby* to prove he was so poor he begg'd for six pence.

Dr. *Oats.* *I* will save my Lord the trouble of proving any such thing. My Lord *Stafford* says *I* was a poor man, and had not six pence in my pocket; *I* can make it appear to the House of Lords, that sometime since *I* came in upon this Discovery, *I* have not had two pence in my pocket, and sometimes *I* have not had six pence: but a mans Poverty is no objection against his Honesty.

*L. Stafford.* Where is *Ellen Rigby* to prove, whether she did not give him six pence? But then, my Lords, pray ask him whether he did not swear at a former Tryal, he had spent six or seven hundred pounds more than he got?

*L. H. Stew.* Did you say at a former Tryal, you were five or six hundred pound out of purse?

Dr. *Oats.* My Lords, *I* will satisfie this House what *I* said; what folks write after me, *I* am not to justifie. But, my Lords, *I* had a Friend of mine presented me with 100 *l.* I name not his Name; but if that be questioned, he is a Peer of this House, and will justifie it. *I* had 100 *l.* for my Narrative. *I* had 100 *l.* for taking some Jesuits; which is 300 *l.* *I* had for some other Copies that *I* printed, a matter of 50 or 60 *l.* And now *I* can make it appear, that as to those Sums which *I* received in gross, *I* have spent them all, and more in this Service, for *I* have none of the money now by me.

*L. Stafford.* He makes out but 350 *l.* and he swore he was out 700 *l.* but he does not swear one true tittle, nor is any whit to be believed.

Dr. *Oats.* If you expect *I* should prove it, *I* can prove it now.

*Managers.* Be quiet Dr. *Oats,* we will do you right anon.

L. *Stafford.*

L. *Stafford.* My Lords, I do not know for the preſent that I have any thing elſe to trouble your Lordships with. I remember theſe Gentlemen when I asked them if they had any more Evidence to give in, ſaid No, unleſs I ſhould give them ſome occaſion; and now I deſire your Lordships, if they bring any new Evidence, that I may have time to anſwer it.

L. *H. Stew.* God forbid but you ſhould have liberty to anſwer any Objection.

Sir *W. Jones.* My Lords, before we go about to ſum up our Evidence we ſhall have occaſion to call ſome Witneſſes, and that will be to fortifie what our Witneſſes have ſaid, to diſcover what kind of Witneſſes have been made uſe of againſt them, and to falſifie what my Lords Witneſſes have ſaid in ſome particulars. Theſe will be the three Heads for which we deſire to call Witneſſes. And becauſe (my Lords) we will not trouble you with making one intire Narration of what they can ſay, or to what purpoſe we call them before they come, we deſire the favour that we may acquaint your Lordships with it, ſtill as we call them; for that we think will be the way more clearly to be underſtood. My Lords, we ſhall begin to make good by other Witneſſes, ſome things ſaid by Mr. *Dugdale*, (for he was our firſt Witneſs, and therefore in order of time we will firſt begin with him.) My Lords, the Priſoner at the Bar was pleaſed to object——

L. *Stafford.* My Lords, I would not interrupt him; but I would ask whether there were more than two heads that he proceeds upon to fortifie their own Evidence, and to falſifie mine.

Sir *W. Jones.* My Lords, I think we may comprehend all under thoſe two heads: But, my Lords, you obſerve, one great matter my Lord did inſiſt upon yeſterday, was this. That he, it is true, hath ſeen Mr. *Dugdale* at my Lord *Aſton's* (though by the way I muſt ſay this, my Lord at the firſt did not ſeem to know him.)——

L. *Stafford.* I did not know him in his Peraiwig.

L. *H. Stew.* Do not interrupt them, my Lord, for they muſt have the ſame liberty that you had, to go on without interruption.

Sir *Will. Jones.* We muſt have the ſame freedom my Lord had. I will do his Lordship that right, he did afterwards recollect himſelf, and ſay, His Perriwig had made that alteration in him, that he did not know him. But my Lord was alſo pleaſed to ſay yeſterday, That though he did know him, yet he looked upon him as ſo mean and inconſiderable a fellow, that he did purpoſely avoid all diſcourſe with him; and that ſometimes when he was a dry at my Lord *Aſton's* he would not ſpeak to him to help him, nor to call one to help him to drink. My Lord, was pleaſed yeſterday alſo to deny that ever he had any Converſe with him but only that one time, when indeed Mr. *Dugdale* did deſire to make uſe of my Lord, that by his interpoſition he might have leave to go to the Foot-Race. My Lords, your Lordships very well perceive we are now going about to prove a matter moſtly ariſing within my Lord *Aſton's* Family; and what Witneſſes we ſhall have from thence, your Lordships may eaſily imagine will not be very favourable to us: and if

we

we have not many to this point, your Lordships will take into consideration, that those who can give the fullest proof here, must be those of the Family, and the Religion of the Family. But, my Lords, we will call one or two that I believe will give you satisfaction that my Lord the Prisoner was no such stranger to Mr. *Dugdale*; that they have been seen together, and alone together; and that is the first thing we desire to call Witnesses to. Call Mr. *Ansell* and *William Hanson*.

*Mr.* Hanson *was sworn.*

*L. H. Steward.* Where do you live? Whose Servant are you?

Mr. *Hanson.* At *Wilnal* in *Staffordshire.*

L. H. *Steward.* What do you ask him?

Sir *Will. Jones.* I desire, if you be satisfied where he lives, that he will tell you whether he hath been at my Lord *Aston*'s, and seen my Lord *Stafford* there.

L. *H. Steward.* Have you seen my Lord *Stafford* at my Lord *Aston*'s?

Mr. *Hanson.* Yes, my Lords.

L. *H. Steward.* When?

Mr. *Hanson.* A little above two years ago.

L. *Stafford.* Be pleased he may name the time positively.

Sir *Will. Jones.* My Lord *Stafford* is not so well versed in prosecutions of this nature, as to know that he is not to interrupt us while we are examining our Witnesses.

*L. H. Steward.* My Lord, your Lordship received no interruption, nor must give none.

Sir *Will. Jones.* My Lords, we desire this Witness may be asked, whether or no he hath seen Mr. *Dugdale* and my Lord *Stafford* at any time together.

*L. H. Steward.* What say you?

Mr. *Hanson.* Yes, my Lords.

*L. H. Steward.* When, and where?

Mr. *Hanson.* I cannot justly tell the time.

*L. H. Stew.* Can you tell the place?

Mr. *Hanson.* Yes, at my Lord *Aston*'s.

L. *H. Stew.* Whereabouts?

Mr. *Hanson.* In my Lord *Aston*'s Parlour.

L. *H. Stew.* And were they alone?

Mr. *Hanson.* Mr. *Dugdale* fetched me to my Lord *Stafford.*

*L. H. Stew.* And was no body in the Parlour when *Dugdale* fetched you to my Lord?

Mr. *Hanson.* No, my Lords, I think there was not.

L. *Stafford.* He thinks there was not.

Mr. *Hanson.* There was not, to my best remembrance.

Sir *W. Jones.* My Lords, will you be pleased to ask him the Occasion why *Dugdale* fetched him to him.

Mr. *Hanson.*

Mr. *Hanſon.* My Lord had a mind to have a Boy,

*L. H. Stew.* What was the occaſion that *Dugdale* did come to fetch you to my Lord *Stafford* in the Parlour?

Mr. *Hanſon.* To bring the Boy, my Lords, *Tong Hawkins.* Mr. *Dugdale* fetched me and the Boy to him; it was a Boy that my Lord would have to live with him.

Sir *Will. Jones.* Can you tell what time of the year it was? whether Winter or Summer as near as you can?

L. H. *Stew.* Aye, What time of the year was it?

Mr. *Hanſon.* Indeed, my Lords, I cannot tell.

Sir *Will. Jones.* I deſire to ask him, whether, when he went away, he left them together?

L. *H. Stew.* Did you leave them together?

Mr. *Hanſon.* To my beſt remembrance, my Lords, I did. The Boy and I went away together, and we left them at my Lord *Aſton*'s Parlour-door.

Sir *Will. Jones.* Call *James Anſel.*

*L. H. Stew.* Nay, if you have done with him, my Lord *Stafford* may ask him any Queſtions.

*L. Stafford.* My Lords, I ſhall tell you how this thing is. There was a report that this *Hawkins* was a very good running Foot-boy; and this was ſpoken of at my Lord *Aſton*'s at Dinner or Supper, I don't know which, nay ſeverall times about that time; it was when my Lord of *Danby* was Treaſurer, and his Son my Lord *Dunblain* was much for Foot-matches, and I had a minde to have a Foot-boy to make a match with him; and I believe *Dugdale* at Dinner or Supper did ſay that he was a good running Lad, and I might deſire to ſee him, and *Dugdale* did bring him to me I believe into my Lord *Aſton*'s Parlour; but there was at leaſt ſix or ſeven in the Room beſides.

L. H. *Stew.* My Lord *Stafford*, Was this at that time when your Lordship was at *Tixal* the 12 of *September?*

L. *Stafford.* Pray, my Lords I deſire to ask him that Queſtion; I would know what year it was.

L. H. *Stew.* He ſays it was above two years ago,

L. *Stafford.* I profeſs I believe it was one or two years before I was taxed with this Plot. I did never think I ſhould be queſtioned about this, or I could eaſily have brought witneſſes that were by at that time. It is true he did come to me, but pray what time of day was it?

Mr. *Hanſon.* In the morning I think it was.

*L. Stafford.* I profeſs to God, it was after Supper; as I hope to be ſaved, it was as we were going to bed, to the beſt of my remembrance.

Sir *Will. Jones.* Did you come into the Parlour after Supper?

Mr. *Hanſon.* I am not ſure what time it was.

Sir

Sir *Will. Jones.* If his Lordship please to ask him any more Questions, if not, we will call another. *James Ansell.* *(who was sworn.)*

*L. H. Steward.* What is your Name?

*Witness. James Ansell.*

*L. H. Stew.* Where do you live?

Mr. *Ansell.* At *Heywood* in *Staffordshire.*

*L. H. Stew.* Did you live with my Lord *Aston?*

Mr. *Ansell.* I have been at my Lords House at *Tixal.*

*L. H. Stew.* But you are not of the Family?

Mr. *Ansell.* No.

*L. H. Stew.* How far is *Heywood* from *Tixal?*

Mr. *Ansell.* A Mile.

*L. H. Stew.* Have you seen my Lord *Stafford* at *Tixal?*

Mr. *Ansell.* I have seen a man they called my Lord *Stafford.* I did not know him, but as they told me.

L. H. *Stew.* Did you ever see *Dugdale* in the company of a man they called my Lord *Stafford?*

Mr. *Ansell.* Two years ago I was at *Tixal,* and there I saw one that they said was my Lord *Stafford* walking with Mr. *Dugdale,* whom I did know.

*L. H. Stew.* Where was it?

Mr. *Ansell.* In the Court at *Tiaxl,* walking together.

L. H. *Stew.* Were they alone? Was there no body else in company?

Mr. *Ansell.* None that I saw; there might be more company, but I saw no more.

Sir *Will. Jones.* Pray, my Lords, ask how long ago this was?

Mr. *Ansell.* About Summer was two years.

Sir *Will. Jones.* If his Lordship will ask him any Questions now we have done, he may; otherwise we will call another.

L. *Stafford.* My Lords, I have recollected my self as well as I can in so short a time, and all I can say is, some of my Servants were by, I suppose; and I do assure your Lordships, the other business was above three years ago; so the fellow does not know what he does say.

*L. H. Stew.* Will you ask him any Questions?

L. *Stafford.* Pray ask him how long he saw me in the Court with *Dugdale.*

L. *H. Stew.* How long was it?

Mr. *Ansell.* I cannot tell. I did but walk through the Court: I came to speak with Mr. *Dugdale,* and he was with my Lord.

*L. Stafford.* Did he hear us discourse, or any word we said?

Mr. *Ansell.* No, I did not.

Sir *Will. Jones.* My Lords, if you please, before *Ansell* go away, we would ask him a Question to another point; and that is, For what reason *Dugdale* was secured, whether he went away for Debt or no? *L. H. Stew.*

L. H. *Stew.* Do you know wherefore *Dugdale* was secured, or why he went from my Lord *Aſtons.*

Mr. *Anſell.* I can't tell why he went away; whether for fear of the Plot, or no, I can't tell.

Sir *VV. Jones.* What diſcourſe was between you and *Dugdale* about it?

Mr. *Anſell.* Where? There was a diſcourſe at *Stafford* when he was there.

Sir *VV. Jones.* But before he went away?

Mr. *Anſell.* I came to my Lord *Aſton's* one day, and told Mr. *Dugdale* I heard ſay he was concerned in the Plot; for I told him I was amongſt ſome people, and they ſay you are concerned in the Plot. And this was about a fortnight after the News was hot in our Country.

L. H. *Stew.* What ſaid he?

Mr. *Anſell.* He laughed at it, and ſaid, God blaſt him if he knew any thing of it.

L. *Stafford.* So he denied it then.

Sir *VV. Jones.* Pray, Sir, at that time did he ſay he knew any thing about my Lord *Aſton,* and why my Lord *Aſton* did uſe him ill?

*Then my Lord* Stafford *objected Mr.* Dugdale *was too near the VVitneſs, and deſired he might go down; and it was ordered accordingly.*

Sir *Fr. VVin.* My Lords, we would ask this man what does he know of *Dugdale's* concealing himſelf after he had heard of the diſcourſe about the Plot.

Mr. *Anſell.* I know not that, my Lords; he was fearful of coming in company: what his diſcourſe was, I do not know.

Sir *VV. Jones.* My Lords, now if it pleaſe your Lordships, we will go to another particular. Yor Lordships will pleaſe to remember, that yeſterday there were two Witneſſes called by my Lord *Stafford,* that is *Sambidge* and *Philips*; *Sambidge* was the old Gentleman that was deaf, and a little paſſionate too, becauſe he was once ſummoned to *Litchfield* Court. Mr. *Philips* was the Miniſter of *Tixal.* And both theſe did teſtifie, That whereas Mr. *Dugdale* had ſworn at a former Tryal, that he did give notice before them of the death of Sir *Edmundbury Godfrey* upon Monday, which (as I take it) was the 14. of *October,* there was no ſuch notice given in their preſence. Mr. *Dugdale* did affirm, they were by, and that he gave notice before them & others. This was made uſe of by my Lord to invalidate the Teſtimony of Mr. *Dugdale,* that he ſhould go and affirm at a former Tryal, that he did give notice of the death of Sir *Edmundbury Godfrey* within two days after he was killed, before any one knew of it; and *Dugdale* muſt needs know it from the Jeſuits: and both of theſe Gentlemen being now in Court, do deny that they heard of it at that time. My Lords, we ſhall prove to you here, that he did give notice of it at that time, and that they were both preſent. For Mr. *Sambidge,* it is not ſo ſtrange he ſhould not obſerve it, he was very deaf, and he could hardly hear yeſterday; and as he was deaf, ſo he was very paſſionate. As for Mr. *Philips,* I cannot ſay that as to him, but perhaps he

cannot at that diſtance of time remember; but we will prove by undeniable Witneſſes, that notice was given that Munday, and that theſe perſons were by when it was given.

Sir *Fran. Winn.* This Witneſs we uſe to another purpoſe beſides this; but we will ask him only to this now.

*L. Stafford.* I deſire the Witneſſes may ſtand by themſelves.

*L. H. Stew.* Let them take care that there be but one Witneſs at a time, and that no body approach them while they are giving their Teſtimony.

Sir *Will. Jones.* We did not make the like deſire as to my Lords Witneſſes.

*L. Stafford.* In troth you might with all my heart, if you would.

Sir *Will. Jones.* It may be ſo; but we did not fear them ſo much. Swear *William Goldſmith.* (*which was done.*)

Sir *Will. Jones.* I would begin with *James Anſell.* (*who appeared and ſtood up again.*)

Sir *Fr. Winn.* If your Lordſhips pleaſe, we would ask him what he knows of a diſcourſe about the Juſtice of Peace's death; to tell the time, and what it was that was ſaid. We only ask general Queſtions.

*L. H. Stew.* What diſcourſe did you hear of the murder of a Juſtice of Peace, and when?

Mr. *Anſell.* My Lords, I heard it at *Tixal.*

*L. H. Stew.* When did you hear it firſt?

Mr. *Anſell.* The 14. of *October.*

*L. H. Steward.* Who did you hear it from?

Mr. *Anſell.* From Mr. *Dugdale.*

*L. H. Stew.* The Letter was dated the 12. Where did you hear of it?

Mr. *Anſell.* It was at one *Elds* Houſe, an Alehouſe in *Tixal.*

*L. H. Steward.* Where?

Mr. *Anſell.* At an Alehouſe hard by my Lords.

*L. H. Stew.* Who was by?

Mr. *Anſell.* When that was ſpoken, there was I, and *William Hanſon,* and Mr. *Sambidge,* and Mr. *Philips.*

*L. H. Stew.* Did *Dugdale* ſpeak with them at that time?

Mr. *Anſell.* Yes, he was with them at that time, but he ſpoke with me at the Parlor; for he ſent for me into the Parlor.

L. H. *Stew.* Then at the ſame time he ſpake it to you, and they were in the Houſe.

Mr. *Anſell.* Yes, he came from them to me into the Parlor, and went to them again.

Sir *Will. Jones.* My Lords, I hear him ſpeak to the day of the Month; if you pleaſe to ask him, if he can tell what day of the Week it was?

Mr. *Anſell.* It was on a Munday.

*L. H. Stew.*

*L. H. Stew.* That is right, the Letter was dated on Saturday the 12. of *October*.

Sir *Fr. Winn.* I would ask him, whether afterwards he came into the Room where Mr. *Philips* the Parson was?

*Mr. Ansell.* Yes.

Sir *Fr. Winn.* Was there any discourse after you came in, about the Death of a Justice of Peace?

*Mr. Ansell.* I cannot tell that.

*L. H. Stew.* Will you please to ask him any thing, my Lord?

*L. Staff.* Indeed, my Lords, he says nothing concerning me; therefore I say only this, I desire to know, if he can tell, what time of day it was?

*Mr. Ansell.* It was the Forenoon.

Sir *W. Jones.* Then call *Will. Hanson* again. *(who appeared.)*

Sir *Fr. Winn.* We call him to the same Question. Do you declare to my Lords what you know of Mr. *Dugdale's* acquainting you with the Death of a Justice of Peace, and when it was.

Mr. *Hanson.* I heard Mr. *Dugdale* say at Old *Elds* house at *Tixal*, There was a Justice of Peace murdered, that lived at *Westminster*.

*L. H. Steward.* When did he tell you so?

Mr. *Hanson.* The day that I went to run the Race, the 14. of *October*.

Sir *Fr. Winn.* Can you remember what day of the week it was?

Mr. *Hanson.* It was *Munday*.

*L. H. Steward.* Was it the Forenoon or Afternoon?

Mr. *Hanson.* The Forenoon.

L. *H. Stew.* What Company was in the house when he told you of it?

*M. Hanson.* Old Mr. *Sambidge*, and Mr. *Philips* the Parson of *Tixall*.

L. H. *Steward.* Were they in the House at that time?

Mr. *Hanson.* Yes.

*L. H. Stew.* Were they by when the discourse was?

Mr. *Hanson.* Mr, *Sambidge* was going to drink a Bottle of Ale, as he said, at my Lords Bowling-Green; and for a while he sits down, and presently Mr. *Philips* comes in and sits down, and Mr. *Dugdale* came out of the Parlour into the Room where we were come; said I, What News? said he, They say there is a Justice of Peace murdered at *Westminster*.

Sir *Fr. Winn.* Was *Philips* in the Room?

Mr. *Hanson.* Yes, he hath forgot it, but he was there.

L. *H. Steward.* Did *Philips* hear it?

Mr. *Hanson.* He might have heard it if he would.

L. *H. Stew.* Had you any discourse with *Philips* about this since?

*Mr. Hanson.* No, my Lords.

Sir *Fr. Winn.* He is positive both as to the day of the month, and as to the week, and that both of them were present.

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Sir *W. Jones.* My Lords, we shall prove to you now, That the Poſt which comes out of *London* on Saturday, comes to this place on Munday morning; and thoſe which goes out of Tueſday, come there on Thurſday morning; and the Poſt which goes out of *London* on Thurſday, comes to this place on Saturday morning.

*L. Stafford.* He ſays the Poſt comes ſuch and ſuch days, I own it, and in the morning too.

Sir *Will. Jones.* Then I go on, my Lords, to another point, which will be a farther Confirmation of the matter. For, my Lords, we will prove to you, and that by men of Quality, that the noiſe of the Murder was in that Countrey the Wedneſday and Thurſday following the Murder. Your Lordships pleaſe to obſerve, Sir *Edmundbury Godfrey* was killed the Twelfth of *October*; he was found the Thurſday following, which was, (as I take it) the 16. or 17. of *October*. We will prove now, that the noiſe and knowledge of the Murder was in the Countrey about *Tixal*, before he was found here near *London*. Now we only bring this as a Confirmation of this matter, that it was revealed at the Alehouſe, and ſo it went about the Countrey. And for this we call *Edward Birch* Eſquire, and *John Turton* Eſquire.

Sir *Fr. Winn.* Before we examine them, I would ſtate the time: Sir *Edmundbury Godfrey* was miſſing on Saturday, which was the 12. of *October*; his Murder was not diſcovered till Thurſday. We call theſe perſons to a double purpoſe; the one to fortifie what our Witneſſes have ſaid, and the other to ſhew, that this man was diſpatched by theſe Mens Confederates, becauſe they knew it ſo ſoon; which could not have been, but that they were in the Conſpiracy themſelves.

*L. Staff.* I deſire only that he may ſay whether he means me among the reſt.

Sir *Fr. Winn.* My Lord, I will do you no wrong, I ſpeak of thoſe at *Tixal*.

(*Then Mr.* Birch *was ſworn.*)

L. *H. Steward.* When did you hear of the death of Sir *Edmundbury Godfrey*, Mr. *Birch*?

*Mr. Birch.* My Lords, I did not hear any thing of the death of Sir *Edmundbury Godfrey*, till the Saturday-Poſt; but I preſume that which theſe Gentlemen call me for, is this: *I* did hear before Thurſday, *I* think Tueſday was the firſt day, that there was a Juſtice of Peace of *Middleſex* killed, and it was thought the Papiſts murdered him; and this on Tueſday and Wedneſday was all over the Countrey, that is, Tueſday after his death: for I'll tell your Lordships how I came to take notice of it; for hearing ſuch a report in the Countrey, *I* did not ſo much take notice of it, but being at the Kings Bench Bar, at the Tryal of *Green*, *Berry* and *Hill*, for the Murder of Sir *Edmundbury Godfrey*, I found upon the Evidence that the Body was not found till the Thurſday after he was killed; that made me recollect my ſelf as to what *I* had heard in the Countrey: and as I ſtood at the Bar, *I* told ſeveral Gentlemen that I did perfectly remember, before Thurſday it was

diſcourſed

diſcourſed of in the Countrey by ſeveral Gentlemen where I lived.

Sir *Will. Jones.* Call *John Turton* Eſquire.

*Sir Fr. Winn.* Some of my Lords here, I perceive, deſire he ſhould be asked a more particular Queſtion.

*L. H. Steward.* I deſire to ask him this: You heard of it you ſay on Tueſday, that a Juſtice of Peace of *Middleſex* was killed; I deſire to know who you heard it from.

*Mr. Birch.* Truly, my Lords, I can't tell. For I'll tell your Lordships, I have ſome certain days that *I* conſtantly appoint to be at home in, when people come about buſineſs to me. Among theſe people, ſeveral came that asked me what news I had from *London.* I told them, I had received a Letter or two by the Poſt, and I ſhewed them thoſe Letters, there was little or nothing in them. Thereupon they asked me if *I* did not hear of a Juſtice of *Middleſex* that was killed, No, ſaid I. How come you to hear it, ſays one, I come through *Cank*, (which is within half a mile of mine own houſe) and as I came through, there came a perſon from *Heywood*, that ſaid 'tis all the news about *Tixal* and *Heywood*, and that part of the Countrey. And this was ſaid to me in my own Houſe.

Sir *Fr. Winn.* How far is *Heywood* from *Tixal*?

*Mr. Birch.* About a mile.

Sir *Fr. Winn.* Now, my Lords, I would ask Mr. *Turton* to the ſame buſineſs.

(*Mr.* Turton *was ſworn.*)

L. *H. Stew.* Mr. *Turton*, pray hear: When did you firſt hear in *Staffordſhire* of the death of a Juſtice of Peace of *Middleſex*?

*Mr. Turton.* My Lords, there are two Races in that Countrey, at a place near *Lichfield*, and they are about the middle of *October*; the one that year was the 15. the other the 18. the one the Tueſday, and the other the Friday. I was at both of them; and one of the days, which I cannot be poſitive in, there was one Mr. *Whitehall*, a Juſtice of Peace in *Staffordſhire*, called me from the company, and deſired to ſpeak with me by my ſelf. Said he, Do you hear any news? No, ſaid I. Do you hear nothing, ſaid he, of a Juſtice of Peace that is murdered? (I then had not heard of Sir *Edmundbury Godfreys* being miſſing.) No, ſays he, don't you hear he is murdered? Do you know him? Yes, ſaid I, how do you hear it? ſays he, 'tis a report about us; but *I* did not then believe it; but the next Poſt-day, which was Munday, *I* did hear it; it was either Tueſday or Friday, one of thoſe days.

Sir *Will. Jones.* If it were either one or 'tother, 'tis as ſtrange, and the Evidence as ſtrong; for his Body was not found till Thurſday.

Sir *Fr. Vvin.* And will your Lordships pleaſe to obſerve, that by that time the report had got the name of *Godfrey* too, when at that ſame time we in *London* did not know what was become of him.

*Mr. Turton.* He asked me if *I* knew Sir *Edmundbury Godfrey*: ſaid he, I hear he was an active Juſtice of the Peace againſt the Papiſts; and he made this inference,

rence, We had need have a care what we do, for we shall be all sacrificed.

Sir *Will. Jones.* My Lords, will your Lordships be pleased to observe, that yesterday there was some Witnesses called to disparage Mr. *Dugdale.* And the first man as I can remember, was a very substantial Gentleman, called Mr. *Robinson*; I think he was not able to give an account of his Employment, but he was a Gentleman that lived upon his Money; I remember those were his words. My Lords, we shall call (without telling you what they will say) some Witnesses to prove the Condition of this Gentleman, what Reputation he is of, and what is his Conversation. And we first call my Lady *Gerard.*

L. *Stafford.* My Lords, pray give me leave to say one word, —— but 'tis no great matter, 'tis not worth the speaking.

*L. H. Stew.* What can you say, my Lord?

*L. Stafford.* It was only a thought of my own, not worth troubling your Lordships with.

(*Then the Lady* Gerard *appeared, and was sworn.*)

L. *H. Stew.* Does your Ladyship know one *William Robinson*?

Lady *Gerard.* No, my Lords.

Sir *W. Jones.* He hath several Names, we desire he may be called.

*L. H. Steward.* Call *Robinson* the Upholsterer. (*He was called, but appeared not.*)

Sir *W. Jones.* I perceive we mistake one Lady for another. We desire Mr. *Booth*, a Member of the House of Commons, may be Sworn. (*Which was done in his place.*)

*L. H. Steward.* My Lord *Stafford*, send for *Robinson* your Witness.

*L. Stafford.* I believe he is here; but if he be not, one that belongs to me I have sent to see for him; whether he be a good or a bad Witness, I do not know personally.

Sir *W. Jones.* Mr. *Booth* knows him very well, he saw him yesterday, and so we may venture to ask him the Question.

L. *H. Steward.* Did you see *Robinson* the Witness yesterday?

Mr. *Booth.* Yes, my Lords, I did.

*L. H. Stew.* Do you know him?

Mr. *Booth.* My Lords, I do know him very well, though I have not seen him often: for indeed, my Lords, he behaved himself so the first time that I saw him, that I believe I shall never forget him. My Lords, I am better acquainted with his Character than his Person, though I know the man very well; and truly the first time that ever I was in his company, he gave me no incouragement ever to desire it again; for if you please, I'le tell you how I came to know him. He told your Lordships that he came into *Cheshire* at a Cocking; it was at that time that I saw him, for upon the Sunday after the Cocking, I was invited to a Neighbours, about two miles from home. We were set down to Dinner, and we had not sat

long

long, but this man comes into the Room where we were; there was an empty place at the lower end of the Table, and he ſits him down, and began a diſcourſe to ridicule the Lords day, in ſuch a manner as I never heard the like. And the reſt of his diſcourſe was full of a great deal of Contempt of God Almighty, and all that was ſacred. All his diſcourſe at Dinner was very prophane. It was not in mine own Houſe; and becauſe it was not taken notice of by the Maſter of the Houſe, and he coming under the protection of a young Gentleman, I did not what elſe I ſhould, for I ſhould have made him hold his tongue, or have uſed it to better purpoſe. The whole of his diſcourſe was ſo Atheiſtical and prophane, that I never heard the like in my life. When dinner was done, he uſed a great many intiſements to draw the Company into play, by asking what would they ſay if they ſhould ſee ſuch and ſuch things to be done; and at length he pulls out a great many Dice out of his pocket, and behaves himſelf in that manner, as people do that would draw in others to play; and they that had better skill in it than I, ſaid that they were all falſe. When I ſaw this, I deſired him to leave our Room, or to forbear; for, ſaid I, if this be the entertaintment of the day, I muſt leave the Company: then they commanded him to deſiſt. This is all that I do know of my own knowledge. But I ſhall acquaint you what I believe, for I have heard it from very conſiderable perſons, whom I dare credit; for the man run much in my mind, becauſe I never ſaw ſo ill a man in my life. Coming home, I was ſpeaking to ſome of my Family: ſays I, Yonder I met with the ſtrangeſt fellow that I ever ſaw in my days, he is fitter to be hanged than any thing elſe. Oh, Sir, ſaid they, there is ſuch a fellow hath cheated I know not how many at the Town where the Cocking was. The next day, I think it was, or ſhortly after, I had occaſion to go to that Town; and many people came and complained to me of his Cheats, to a very great degree. They asked me what they ſhould do: ſaid I, you have nothing to do, but indite him for a Cheat. Why, ſaid they, will you take no courſe with him? Said I, What courſe can I take? I am turned out of the Commiſſion of the Peace, elſe I know enough to bind him to the good behaviour. After this I had occaſion to go into *Lancaſhire*, and there I found he was better known than truſted. There were very loud Complains againſt him, and ſome would have given Twenty pound to meet with him. I heard afterwards, he went into *Stafford-ſhire*, and he changed his Name where ever he went: but he ſoon diſcovered himſelf, and all thereabouts he goes for a notorious Cheat. This is all I can ſay of him.

*L. Stafford.* My Lords, Be pleaſed to give me leave to ſay one word: I aſſure you, if I had thought this man had been ſuch a fellow as now he proves, I would not have brought him before you. I never knew what he was in my life, nor heard of his Name till Saturday laſt.

*L. H. Stew.* It may be ſo, my Lord. But your Lordship muſt take notice, that this is the man that gave the moſt important Evidence, that *Dugdale* ſhould corrupt him to ſwear againſt you for money.

L. *Stafford.*

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*E. Stafford.* Give me leave to obſerve upon that, my Lords, That if *Dugdale* knew him to be a cheating fellow, he might think him the liker to take money to forſwear himſelf.

Sir *Will. Jones.* My Lords, we ſhall not reply now, but obſerve anon, how this cheating fellow comes to ſwear for my Lord at this time. But we deſire an Honourable Peer of this Houſe may give ſome account of him, and that is, the Noble Lord the Earl of *Maclesfeld*; I think he may be known to your Lordships.

*Then the Earl of* Maclesfeld *ſtood up.*

*L. H. Stew.* Pardon me, my good Lord, my Lord muſt be ſworn.

*E. of Maclesfeld.* Before I am ſworn, I would know of your Lordships whether I ſhould be ſworn or no; for your Lordship ſhall not make me be ſworn, unleſs my Lords ſay I ſhould.

L. H. *Stew.* I would not offer it, if there were any colour of doubt in it.

*(Then my Lord was ſworn.)*

*E. of Maclesfeld.* My Lords, I have nothing to ſay againſt this man but what he ſaid to me, and before a Juſtice of Peace too; for I did take this man when he had run away from my Lord *Gerard*. He had cheated many of his Servants; I catched him on the way running to play his tricks ſomewhere elſe, and I intercepted him; but though I was a Juſtice of Peace there, yet becauſe it was in a manner my own caſe, I would not commit him, till I had carried him before another Juſtice of Peace. So the man comes up to me, ſays he, My Lord, have you a mind to have your Son-in-law bubbled? I have been only teaching him how to avoid being cheated: I acknowledge my ſelf to be a Cheat, and I would teach him to avoid them. I am going now into *Staffordſhire*, and that was all I intended to his Lordship. I am a Rogue I confeſs it. And upon this a Juſtice of Peace comes in, and while they were examining of him, we bid ſome that were by to ſearch him, and they found in his pocket falſe Dice; and truly the Juſtice nor I did not know whether they were true or falſe. Says he, You don't know what to do with theſe, but I do. This is all I can ſay; but in all the three Counties of *Staffordſhire*, *Cheſhire*, and *Lancaſhire*, there are ſeveral men that I ſee here, that know his Life better than I do; for 'tis his common practice: and I believe, my Lords, the Judges muſt know him, for it was his common practice at all Aſſizes and great Meetings to play theſe pranks.

Sir *Will. Jones.* My Lords, we will not trouble your Lordships any further as to *Robinſon*: if he were here, perhaps my Lady would know him; but having two ſuch Witneſſes, I think we need not trouble our ſelves nor you any more about him.

*L. H. Stew.* Have you done with my Lady *Gerard?*

Sir *Will. Jones.* Yes, and we beg her pardon for this trouble. My Lords your Lordships will be pleaſed to remember, there was one *Holt* was produced as a Witneſs by my Lord *Stafford*; and your Lordships, when you look on your Notes, will remember, he teſtified to this purpoſe, That *Dugdale* ſent an Horſe for

for him to *Stafford*-Town; which Horse brought him to the *Star-Inne*, and there *Dugdale* did offer him Forty pounds to swear, That one Mr. *Moor* carried away *Evers* the Jesuit, My Lords, we will call some Witnesses to this Mr. *Holt*; you will find him to be something akin to Mr. *Robinson*, and, as we suppose, of nothing a better Reputation than he. The Witnesses will give you an account of his pranks. Call *Sampson Rawlins* and *Lander*.

Rawlins *stood up, and was sworn.*

*L. H. Stew.* What is your Name?

*Witness. Sampson Rawlins.*

*L. H. Stew.* What do you ask him?

Sir *William Jones.* We desire to ask him if he knows *Samuel Holt* the Blacksmith.

*L. H. Stew.* Do you know *Holt*?

*Rawlins.* Yes.

Sir *Fr. Winn.* Acquaint my Lords what Reputation he is of, where he lives, and what he is.

*Rawlins.* He is counted to be a very lewd loose fellow.

*L. H. Stew.* Why so?

Sir *Will. Jones.* What hath he done?

*Rawlins.* He is counted a drunken lewd fellow.

Sir *Will. Jones.* Is he of an ill Reputation in the Countrey where he lives?

*Rawlins.* Yes, he is so.

*L. H. Stew.* For what?

*Rawlins.* 'Tis said in the Town he keeps another mans wife.

Sir *Will. Jones* Is there any other fault he hath?

*Rawlins.* He said there were none but Rogues would take Mr. *Dugdale's* part; whereas I never knew any harm by Mr. *Dugdale*, and I have known him this fourteen or fifteen years: I dealt with him, I was Taylor to the Family, and he ever paid me very honestly and well.

Sir *W. Jones.* Have you heard of Mr. *Holt* any other ill thing besides what you speak of?

*Rawlins.* He broke open my Lord *Aston's* Wine-celler, and stole several bottles of Wine, wherefore my Lord *Aston* bid Mr. *Dugdale* send him to the Goal: but he curryed favour with Mr. *Dugdale*, and so kept in with him, that he afterwards begged for him of my Lord to forgive him. And now he comes to Evidence against Mr. *Dugdale*, that was his sure stedfast friend, and saved him from the Goal.

*L. Stafford.* I would ask this Witness a Question.——

*Rawlins.* And because I took Mr. *Dugdale's* part, saying, he was an honest man (and he was so to me and all others, as far as ever I heard) he met me and would have murdered me.

*L. H. Steward.* When was this?

*Rawlins.* Since laſt Term, when I was up here. And likewiſe *Sawyer* took a pot, and would have dong'd my brains out.

Sir *Fr. Winn.* My Lords, I think this man was ſummoned as a Witneſs, to attend at my Lord *Aſton*'s Tryal. What occaſion brought you to *London* at that time?

*Rawlins.* I was ſubpœna'd up. And when I came home to my Wife and Children, they groſly abuſed me, and ſaid I was a Rogue, becauſe I came up upon His Majeſties Service.

*L. Stafford.* Pray, my Lords, ask him whether *Holt* was my Lord *Aſton*'s Servant or no.

*L. H. Stew.* Was *Holt* a Servant to my Lord *Aſton?*

*Rawlins.* He was a Smith hard by his Gate, and he worked to the Family.

L. H. *Stew.* Were you ſubpœna'd up to the Tryal of my Lord *Aſton?*

*Rawlins.* Yes.

*L. H. Steward.* And it was for coming to that Tryal he offered to murder you?

*Rawlins.* Yes, I have ſeveral Witneſſes of it. And by the blow that *Thomas Sawyer* gave me, for a good while I could not lay my head on the Pillow.

Sir *Will. Jones.* Call *Thomas Launder*, (but he did not appear, being gone away ſick.)

Sir *Will. Jones.* Becauſe we would not loſe your Lordships time, ſeeing the man we call for, is gone away ſick, we will call a Witneſs as to another of my Lords Witneſſes, *John Morral.* Call *Thomas Thorne.*

(*Who was ſworn.*)

Sir *Fran. Winn.* My Lords, if that other man come by and by, we hope your Lordships will give us leave to ask him a Queſtion, to the point which we are now gone over. But my Lord *Stafford* did produce one *John Morral* a Barber that lived at *Ridgley*, who ſaid, that money was offered him to ſwear againſt Sir *James Symons*, and Mr. *Howard*, and others. We call this Witneſs to give your Lordships an account what this *Morral* is, and how he hath behaved himſelf in this buſineſs.

Sir *W. Jones.* What do you ſay about *John Morral?* Do you know him?

*Thorne.* Yes.

*L. H. Stew.* What do you know of him?

*Thorne.* I know he is a man that uſe to come often to my Lord *Aſton*'s to *Tixal*, to trim him, he is a poor fellow that walks up and down the Country, and hath little or nothing to live on.

L. H. *Stew.* Is he poor and needy?

*Thorne.* Yes, he hath been ſued for money, and I have been contributory to keep him out of Priſon.

Sir *W. Jones.* I ask you in general, is he of a good or bad Reputation?

*Thorne.*

*Thorne.* Indifferent.

Sir *Will. Jones.* 'Tis modeſtly ſaid. My Lords, your Lordships have heard what kind of Witneſſes have been brought againſt us. For two of them, you have had particular matters; for a third, our Witneſs ſpeaks modeſtly, that he is a man of indifferent Reputation. But now, my Lords, we muſt prove what endeavours have been uſed to get other Witneſſes againſt our Witneſſes; and for that, I deſire to call one *Simon VVright*, to tell your Lordships what hath been offered him to ſwear againſt *Dugdale*, and by whom.

(*VVright ſtood up and was ſworn.*)

Mr. *Foley.* My Lords, we deſire this Witneſs would give your Lordships ſome account, what endeavours have been uſed by offers of money, or otherwiſe, to make him ſwear againſt *Dugdale*, and by whom.

*L. H. Stew.* Hath any body endeavoured to perſwade you to ſwear againſt *Dugdale?*

*VVright.* Yes, my Lords.

*L. H. Steward.* Tell your whole ſtory, who it was, and what was offered you.

*VVright.* The firſt time I was employed was preſently after the Murder of Sir *Edmundbury Godfrey*; and it was by one Mr. *Pleſſington*, that was in cuſtody about that matter. And he ſent me on Sunday morning, to the Marqueſs of *VVincheſters*, to deſire him, to conſider what a charge he lay at. And my Lord did ſend him word, he could not expect to be diſcharged ſo ſoon. The Tueſday after he was diſcharged. And afterwards coming unto me, I told him, I was glad he had ſo good friends to get out ſo ſoon. He told me, were I in the ſame condition, I ſhould have as good or better. Whereupon Mr. *Pleſſington* and I were as good friends as any about the Town. I was his Barber, and Barber to Mr. *Dugdale*, and we were all great cronies. And *Pleſſington* told me, if I could find a way to take off his Evidence, or deſtroy him, I ſhould have ſeven hundred pounds. I went to inquire out where I might have a ſecurity for the Money. And Mr. *Reeves*, an Apothecary in *Chancery-lane*, did profer me his Note, and ſo did Mr. *Dewy* the Scrivener. But I did not, nor had the Money. And ſeveral times, particularly at the Tryal of Mrs. *Price*, and Mr. *Tasborough*, they would have had me ſworn quite blank, That he would have hired me to have ſworn againſt them. And afterwards they would have had me own I was forſworn, and they would get me a Pardon.

*L. H. Stew.* What had you ſworn?

*VVright.* What I heard Mrs. *Price* ſay at the *Horſe-ſhoe* in *Chancery-lane*, as to the blaſting of *Dugdale*, as may be ſeen in the Tryal.

*L. H. Stew.* Who offered you that Seven hundred pounds?

*VVright.* My Lord *Bellaſis*'s Steward.

*L. H. Stew.* What is his Name?

*Wright.* Pleſſington.

Sir *Fr. Winn.* My Lords, I think he ſays he was to ſwear againſt Mr. *Dugdale*, I deſire he would explain himſelf more particularly, and tell who it was that offered him any money to ſwear againſt *Dugdale?*

*VVright.* Mr. *Pleſſington*, my Lords. And ſince the Tryall of Mrs. *Price*, they did perſuade me to write a Paper for the blaſting the reputation of *Dugdale*, and to ſhake his credit by it. And that they carried to Mr. *Drayton*, and Sir *James Symons*, and they being ſatisfied, would have me write again to thoſe Gentlemen, and they framed a Letter for me to write. And thereupon Mr. *Longmore* (I know the Gentleman if I ſee him again) told me that Sir *James Symons* was better able to perform than *Dugdale* was to promiſe; and if I would ſtand by it, I ſhould be an happy man.

*L. H. Steward.* What had you ſaid in that Paper?

*VVright.* I had ſaid according as they directed me, that Mr. *Dugdale*, would have given me money to ſwear againſt Sir *James Symons*, and Mr. *Gerard.*

*L. H. Steward.* Did you ſwear that?

*VVright.* No, I did not, but I was to have done it.

L. H. *Steward.* How came it to paſs you did not agree with them?

*VVright.* My Lords, I have had Four pounds in hand, and that I had by reaſon poverty came upon me. And my Lord *Bellaſis*'s Steward came and lay with me, and ſpent Twenty ſhillings upon me; but finding that I was not abſolutely true to them, nor like to go through, they diſtruſted me; and I borrowed an Horſe of Captain *Chetwin*, and got down into the Country, where I have been ſince *July* laſt, till I was fetch'd up by a Meſſenger to come and give Evidence for the King. And there I received a Letter from my Lord *Aſton*'s Agent, That if I would call at *Stafford* and come up with my Lords Witneſſes they would bear my charges up to *London*. I have the Letter in my Pocket.

L. *Stafford.* If it pleaſe you, he may ſhew the Letter, (*which he did.*)

*Clerke. This for* Simon Wright, *a Barber at* *deliver with care.*

Subſcribed, *Your Loving Friend* Abnett.

Symon Wright,

I *Have juſt now received a Letter from the* Lord Stafford, *wherein my Lord mentioned* Wright *to be one of his VVitneſſes, and deſired me forthwith, to give* Wright *notice, That if poſſible, he ſhould be at* London *on Saturday night next, his Tryal being to be on the Tueſday after; therefore if he pleaſed to come to him, he ſhould give him Money to bear his charges up, and he ſhould come up with my Lords VVitneſſes.*

Abnett.

(This is the ſubſtance of the Letter as it was taken.)

Sir

Sir *W. Jones.* I preſume your Lordships will be pleaſed to take notice, he was intended a Witneſs for my Lord, and it was ſuppoſed then that he was able to ſay ſomething, but he was not produced by my Lord yeſterday.

L. *Stafford.* Pray, my Lords, give me leave, as to this Witneſs, I deſire if you pleaſe, I may have time to prove ſomething againſt this man till to morrow. I have enough againſt him.

Mr. Serj. *Maynard.* You will find another Witneſs, I ſuppoſe, by that time.

L. *Stafford.* No, I will not find him, I have him already, I have enough againſt this Fellow.

L. H. *Stew.* You ſhall have time to ſay what you will, my Lord.

Mr. Serj. *Maynard.* I would my Lord would name his Witneſs.

L. *Stafford.* I will name him to you ſince you ask it, 'tis *Dodd*, he knows what I mean well enough.

*VVright.* I don't know him, my Lord, I'le aſſure you.

Sir *VV. Jones.* My Lords, We will go on now to another matter. My Lord *Stafford* was pleaſed to object, That Mr. *Dugdale* did talk much of Letters, and proceedings, but was able to ſhew none of them. My Lords, we will give an account how that comes about. Mr. *Dugdale* as in part hath been proved already, was apprehenſive of being accuſed for the Plot; nay I think we ſhall prove, he was afraid he had been in the Proclamation againſt thoſe Traytors and Jeſuits that were fled; We ſhall prove, that Mr. *Dugdale* to ſecure himſelf, and his then friends (for he was not then come over to make any diſcovery) did burn a great many Letters and Papers that did relate to thoſe proceedings, and did not leave any thing remaining, hoping thereby to prevent a diſcovery. We will call Witneſſes that were by when it was done, and I think that will be ſome anſwer to this objection. Call *Elizabeth Eld*, and *Anne Eld.*

Elizabeth Eld *ſworn.*

Sir *Fr. VVinn.* My Lords, if your Lordships pleaſe, we would ask her this general Queſtion, What ſhe knows of Mr. *Dugdale*'s burning a great many Letters and Papers, at what place, and about what time.

*Elizabeth Eld.* I cannot poſſibly ſay to the time, I burnt ſome Writings for him when he went away, he deſired me to burn them, he did not tell me what Writings they were. He ſaid, the times were troubleſome, and if he ſhould be ſick upon the Road where he was going, he would not have all his Papers ſeen, but he deſired me to burn them. And I took and burnt them all but one Book; and my Siſter asked if that Book ſhould be burnt, he ſaid, no, there was nothing of Treaſon in it; I asked him if there were any thing of Treaſon in the others, and he ſaid, Do you think there was?

Sir *VV. Jones.* How long was this before he went away?

*Elizabeth Eld.* That morning when he went away.

Sir *W. Jones.* How many Papers were there?

*Elizabeth Eld.*

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*Elizabeth Eld.* I cannot ſay how many.

Sir *Will. Jones.* I do not ask you the number, but the quantity, was there a bushel?

*Elizabeth Eld.* I cannot ſay, they were roll'd up, and put in his Pockets and his Breeches.

*L. H. Steward.* Were they Parchments or Papers?

*Elizabeth Eld.* They were Papers.

L. H. *Steward.* Were they Letters?

*Elizabeth Eld.* I did not ſee what they were, but they were wrapt up together, they might be the Accompts of the Houſe for what I know.

Sir *Fr. Winn.* But she ſays, as I take it, that Mr. *Dugdale* ſaid there was Treaſon in them.

*Elizabeth Eld.* No, he ſaid, Did I think there was? He ſaid, it was no matter for burning that little Book, there was no Treaſon in that, and when I asked him if there was any in the others, he ſaid, Do you think there was?

*L. H. Steward.* Was it one or two bundles?

*Elizabeth Eld.* There were ſeveral bundles, they were not tyed up, but taken in handfuls and thrown into the fire.

Mr. *Foley.* If my Lord *Stafford* will ask her no Queſtion, we will call up another.

*Elizabeth Eld.* My Lords, I did ſee Mr. *Dugdale* take a glaſs of Cyder, and I heard him ſay, and wish it might be his Damnation, and he might ſink in the place where he ſtood, if he knew any thing of the Plot.

Sir *W. Jones.* I pray what Religion are you of? I don't ask you to diſparage you.

*Elizabeth Eld.* A Roman Catholick.

*L. H. Steward.* When was it that he ſaid that?

*Elizabeth Eld.* When he was in *Staffordſhire.*

Anne Eld *was then ſworn.*

Mr. *Foley.* Tell my Lords what you know of any Papers that were burnt by Mr. *Dugdale*, or by his direction, and at what time.

*Anne Eld.* Mr. *Dugdale* came to my Fathers houſe over night, and the next morning (before he went away) he brought a great many Papers he had in his Breeches, and in his Pockets, bundled together, and he deſired us to burn them in the flame of a Candle.

*L. H. Stew.* Why did he deſire you to burn them?

*Anne Eld.* He ſaid, the times were troubleſome, and being to travel, he was to go to diverſe places, and if he were taken, people would think him a Plotter, having all thoſe Papers about him.

L. *H. Stew.* Did he burn the Book at that time?

*Anne Eld.* No.

*L. H. Stew.* Why not?

*Anne Eld.* I found that Book, and asked him if that should be burnt, he said, no lay that by, it may do good seven years hence, there is no Treason in it; says my Sister to him, Is there any Treason in the rest? says he, Do you think there is? that was all.

Sir *Will. Jones.* Not to trouble you longer (my Lords) upon this, your Lordships will be pleased to remember, yesterday my Lord *Stafford* was pleased to offer by way of Evidence, as if Mr. *Dugdale* was a man of an ill Reputation in these particulars, That he had defrauded my Lord *Aston*, that he was a mean man, run in arrear to my Lord; and that being in necessity, he became a fit instrument to give false Evidence. We shall shew, That Mr. *Dugdale* was a man of Estate; that both before, and since he came away from my Lord *Aston*, he hath made it his business to desire my Lord to come to Accompt; that he hath pressed him, and that he does believe, and hath reason so to believe, that there is Money coming from my Lord *Aston* to him, and that a considerable sum. Now, my Lords, if we shall make it appear, that he hath made it his business to come to Accompt with my Lord, I hope it will not be supposed that he is afraid of it, or so needy, or so mean. For this we call *Michael Noble* and *Stephen Colledge*.

(Michael Noble *sworn.*)

Sir *John Trevor.* What do you know of Mr. *Dugdale*, and my Lord *Aston*?

Mr. *Noble.* My Lords, I can say little or nothing as to Mr. *Dugdale*, for that I have never been acquainted with him, but since the Plot, and he came to be an Evidence; but Mr. *Dugdale* desired me to assist him as much as I could, to make up his Accompts with my Lord *Aston*. And we were twice at the *Tower*, one time we spoke with my Lord with great difficulty, another time we could not see him. There were three Books of Accompt, two my Lord would let us see, but the third, wherein all the Discharges were, as Mr. *Dugdale* said, he would never let us see, that is all I can say.

*Then* Stephen Colledge *was sworn.*

*L. H. Stew.* What is your Name?

*Witness. Stephen Colledge.*

Sir *Will. Jones.* Declare to my Lords, what you know concerning Mr. *Dugdale*'s pressing my Lord *Aston* to accompt with him.

Mr. *Colledge.* In *January* last, I went along with Mr. *Dugdale*, at his request, to the *Tower*, with one Mr. *Noble* a Barrester of the *Temple*, and one Mr. *Boson* of *Lyons-Inn*, in order to the making up Accompts between Mr. *Dugdale* and my Lord *Aston*; for he told me he was going thither for that end: When we came thither, we met with one Captain *Hawley*, who belongs to the Lieutenant of the *Tower*, and we desired him to go to my Lord *Aston*, and tell him, Mr. *Dugdale* was there, in order to make up his Accompts with him. He went and brings an answer back again, That my Lord was not at leisure to speak with Mr. *Dugdale* then,

then, nor none of us from him. And Mr. *Hawley* said, he was then going up with the Lords to Nine-pins. Mr. *Dugdale* said, he was very ill used, for he had been several times there before, and he could not be admitted to speak with him. He hath a little Book says he (meaning my Lord) wherein there is an Accompt made up under his own hand of almost Two or Three hundred Pounds, which sum I cannot say, but one of them I am certain of, which he hath denyed several times that he had it, (but I can prove that he hath it) if he will be pleased to produce that Book, we need not be a quarter of an hour in making up the Accompt. He did speak of some other sums he had to place to Accompt too, but so much was made up already. But Captain *Hawley* saying he would not speak with him, nor any of us from him, I did take the liberty to say to Captain *Hawley*, That it was hard his Lordship and his party should abuse Mr. *Dugdale* at that rate, to make him his Debtor: for now I understood by what Mr. *Dugdale* said, my Lord was his Debtor. And said I, if I can perswade Mr. *Dugdale* he shall publish his Case, for the Protestant Interest suffered by it, That he should be made a Debtor to my Lord when he was not so. And I believe Capt. *Hawley* told my Lord *Aston* what I did say, for when he came back again from my Lord *Aston*, he said my Lord did acknowledge he had that Book, and it was ready to be produced, but he would stay till a Councellor of his came out of the Country, and till he had spoke with the Lieutenant; for he would not speak with Mr. *Dugdale* unless the Lieutenant were by, and in three or four days time he would send for him; but I never heard that he sent for him ever since. If it please your Lordships, I have one thing more that I remember: There was a young man that belonged to my Lord *Aston*'s Family, that heard Mr. *Dugdale* was at Captain *Hawley*'s Chamber, and came to see him, and paid a very great respect to him, and would stand bare to him, though Mr. *Dugdale* desired him to put on his Hat several times. Some of us asked him, whether Mr. *Dugdale* was thought to be such a Knave, when he lived with his Lord, as they would have made him since. No, said he, Mr. *Dugdale* was as honest a Gentleman as ever lived in our Family. I remember my Lord *Aston*'s man said this to us then.

*L. Stafford.* My Lords, Will you be pleased to give me leave, if I speak impertinently I am under your correction, I conceive I shall have something to answer this, but I would first know whether I may desire of your Lordships, that I may have my Lord *Aston* here to give an account of this matter.

Sir *Will. Jones.* If he were here he could not be heard, being a person accused for the same offence.

*L. H. Stew.* My Lord, he stands Indicted for the same Treason, and cannot be a Witness.

*L. Stafford.* I beg your pardon, my Lord.

Nicholas Boson *was sworn.*

*L. H. Stew.* What is your Name?

*Witness.*

*Witneſs. Nicholas Boſon.*

Sir *VV. Jones.* Declare to my Lords what you know concerning Mr. *Dugdale's* preſſing my Lord *Aſton* to come to an accompt.

Mr. *Boſon.* In *January* laſt, I met with Mr. *Dugdale*, and one Mr. *Noble*, and one Mr. *Colledge.* And Mr. *Dugdale* deſired us to go down with him to the *Tower.* He ſaid he had an Order of the Council to paſs his Accompts with my Lord *Aſton*; and when we came there, we enquired for Captain *Hawley*, and deſired him that he would acquaint my Lord *Aſton*, that he was there to accompt with him. Captain *Hawley* went up to my Lord *Aſton*, and brought word back again, my Lord was not at leiſure, or would not ſpeak with him, or to that effect: whereupon Mr. *Dugdale* ſaid, it was very hard that he ſhould be aſperſed to owe my Lord Mony, and he would not come to accompt with him. For my Lord *Aſton* had a Book or Books in his cuſtody which he would ſtand by, and they would determine the buſineſs between them; that my Lord *Aſton* was almoſt Two hundred pounds in his debt. And pray, ſays he, Captain *Hawley*, do me the favour to go to my Lord *Aſton* again, and deſire him that he will be pleaſed to produce that Book or Books. If I owe my Lord any money I am ready to pay him, and if he owe me any, I hope his Lordship will do the like by me; as I am ſure he does Two hundred Pounds. Captain *Hawley* went away, and brought this Anſwer, That his Lordship would ſend for him in ſome ſhort time, aſſoon as a Counellor did come out of the Country, whom he had entruſted with his Books; and that was one *Birch*, as near as I remember.

Sir *Will. Jones.* We have done with this Witneſs. And becauſe we deſire to conclude as to Mr. *Dugdale*, we ſhall call ſome perſons of Quality as to his Reputation, my Lord having gone about to make him a man of no Reputation.

Mr. *Boſon.* I can ſpeak too about the Boy that came in.

Sir *VV. Jones.* There is no need of that now: we ſhall trouble you no further, Sir. Your Lordships will be pleaſed to obſerve, That Mr. *Philips*, the Miniſter, that was one of my Lord *Stafford's* Witneſſes, did ſay, Mr. *Dugdale* was a man of whome many ſpoke well, and ſome indifferently, and perhaps that is the caſe of moſt good men; for ſcarce any are ſo good that all ſpeak well of them; but that many ſhould ſpeak well and ſome indifferently of him, may be the lot of a very good man. We ſhall call ſome Witneſſes, and begin with Mr. *VVhitby* a Juſtice of the Peace, that will tell you he hath known Mr. *Dugdale* long, and what Reputation he is of.

Thomas Whitby *Eſq; ſworn.*

Sir *John Trevor.* My Lords, We deſire your Lordships would be pleaſed to ask him what Reputation and credit Mr. *Dugdale* was in, in my Lord *Aſton's* Service.

Mr. *VVhitby.* My Lords, I have known Mr. *Dugdale* to be a Servant to my Lord *Aſton* this nine or ten years; he was Steward to him, and there was no other

perſon between my Lord and him; he received my Lords Rents and Debts for him, exchanged his Lands for him in forty places, I exchanged ſome Land with my Lord my ſelf, and he was the man that did it. He was very hard for my Lords advantage, and did what he could for my Lords profit.

Sir *John Trevor.* What do you know more as to his dealing?

Mr. *VVhitby.* He was a perſon that was next to my Lord, and did rule and govern the reſt of the Family. All the Servants were under him.

Sir *John Trevor.* Was he looked upon to be an honeſt man in his dealings?

Mr. *VVhitby.* As to what I had to deal with him he was an honeſt man, I never heard the contrary. I have heard ſome Tradeſmen complain that he hath put them off without Money, would not pay them what my Lord owed them.

*L. Stafford.* I deſire that Mr. *VVhitby* may be here when I ſhall have occaſion to ſay ſomething to him.

Sir *VV. Jones.* That will be, I hope, by and by, for we have almoſt done. Call Mr. *VVilliam Southall.*

(*VVho was ſworn.*)

*L. H. Stew.* What is your Name?

*VVitneſs. VVilliam Southall.*

Mr. *Foley.* Give my Lords an account how long you have known *Dugdale*, and what you know of him.

Mr. *Southall.* My Lords, I have known Mr. *Stephen Dugdale* about eight years.

Mr. *Foley.* How hath he behaved himſelf? What Reputation hath he born?

Mr. *Southall.* Truly he hath always had a good repute, not only with my Lords Tenants, but alſo with the Workmen, and thoſe people that had dependance on the Family, and truly I never heard any ill report of him, but only what is ſpoken of now of late.

Sir *Fr. VVinn.* Were you very well acquainted with him?

Mr. *Southall.* Yes, but never had any buſineſs with him. Several diſcourſes I have had with him about the Popiſh Religion.

Sir *John Trevor.* My Lords, I only obſerve this, This Gentleman is Coroner of the County, and hath a general knowledge of the County, and muſt know moſt men there.

Sir *Fran. VVinnington.* You are Coroner of the County of *Stafford*, Sir, I think?

Mr. *Southall.* Yes, I am one of them.

Mr. *Foley.* What was he in my Lords Houſe?

Mr. *Southall.* Bailiff, and a kind of Governour, providing meat, and paying Workmen, moſt of the things of the Family went through his hands.

Sir *Fran. Winn.* My Lords, This Gentleman is a Coroner of the County,

and

and can ſpeak materially to other particulars beſides this of *Dugdale*'s Reputation; for he was a perſon who was preſent when he made his firſt diſcovery of this Plot, and was very inſtrumental in prevailing with him to do it. He will give your Lordships an account of the whole buſineſs, and I would rather he himſelf should relate all the progreſs of it, than take upon me to recite any of the paſſages.

Mr. *Southall.* There was the latter end of *November* (78.) a Report that Mr. *Dugdale* was gone away from my Lord *Aſton*'s, ſuddenly and ſtrangely, and it was the common report in the Country that he was in the Plot, and was fled for it. In the beginning of *December* I went through a Town called *Great Heywood*, a Mile and a half from *Tixal*, where my Lord *Aſton* and Mr. *Dugdale* dwelt. I called at Mr. *Thomas Whitby*'s Houſe, the Gentleman that was up here lately, and he was telling me, *Dugdale* was come again and apprehended by the Watch at *Heywood* upon ſuſpicion. He told me further, he would make no confeſſion of the Plot, though he had been under Examination before Sir *VValter Bagott*, Mr. *Kinnerſley*, and I think he ſaid Sir *Thomas VVhitgrave*. But he told me divers paſſages by which we both ſuſpected he might be concerned and know of the Plot. We thought ſo from the various reports and rumors we had heard in the Country, and from thoſe great grounds of ſuſpicion that were given us. As I returned from *Heywood*, I reſolved I would ſpeak with *Dugdale* the firſt opportunity, for I had a ſtrong perſwaſion I could prevail with him to make a diſcovery of the Plot, but before I did ſpeak with him, there was one *Goldſmith* my Kinſman, had ſome difference fallen out between him and Mr. *Anſell*, and Mr. *Dugdale*, touching a Deed, the deciding of which they had referred to Mr. *Dugdale*. And he deſired me to go to Mr. *Dugdale* to *Stafford* with him, I was very glad of the opportunity. *Anſel* was to bring one *Hanſon*, Mr. *Goldſmith* was to bring me, and Mr. *Dugdale* was to bring one Mr. *Gerrard*, that was concerned in the Premortgage, that we might all have diſcourſe together. I promiſed to meet them at the time appointed, and accordingly the 23*th.* of *December*, two days before *Chriſtmas-day*, I came to the place in *Stafford*, where *Dugdale* was, about Ten a Clock in the Morning, where they met according to their promiſe. We had not been in the Houſe longer than a quarter of an hour, but the Kings buſineſs, which I thought was a buſineſs of greater weight than any particular buſineſs, did ſtick much upon me, and I reſolved before I ſpoke to the particular buſineſs about which we all met, I would firſt ſpeak to Mr. *Dugdale* to put that in execution which I had reſolved. After a short ſpace of time I deſired Mr. *Dugdale* that I might ſpeak with him in a Chamber privately between him and me; he told me, if I would go into the next Chamber to his, he would come to me. Accordingly I went, and ſtaid a short ſpace of time, and Mr. *Dugdale* came to me. I deſired him to make the Door to, which he did, and I began thus with him. Mr. *Dugdale*, ſaid I,

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for some Years last past, since I came to be acquainted with you, I have always had a good esteem of you, and you a good report in the Country where you live, and now there is an opportunity put into your hands to serve his Majesty and his Protestant Subjects, if (as an honest man ought) you will discharge your Duty. Mr. *Dugdale* replyed, Sir, what do you mean? Why said I, I mean this in a few words, Here is a Plot discovered in *London*, and if it be in *London*, I conceive it hath been in part acted at *Tixal*, and if there, of necessity, you having such a Government and Rule over that House, it is impossible but you must know it. He looked upon me very earnestly, and gave me a smile, but answered me not; I replied to him again thus, said I, There is a natural Allegiance which every Subject owes to his Soveraign, and by that it is required, that if any Subjects know of any Plot or any Conspiracy against his Person and Government, they ought in Conscience to discover it, therefore Mr. *Dugdale*, said I, discharge a good Conscience, and tell what you know, for it is commonly suspected you are concerned in the Plot. He answered, I have taken the Oaths of Allegiance and Supremacy. When and where said I? Before his Majesties Justices of the Peace at *Stafford*, said he. Then said I, there is not only that natural Allegiance which every Subject owes to his Prince, but the Oath of Almighty God lies upon your Conscience, therefore discharge a good Conscience; and tell your knowledge. He stood pausing a little while, and by and by, said he, if I should make any discovery, how should I be secured of my Life? You need not Question that, said I, nor his Majesties Gracious Pardon which he hath promised in his Proclamation; Have you seen the Proclamation? Yes, said he. Said I, you have but a short time, a day or two to discover in, for this is the 23*th*, and as I do conceive, you ought to discover before the 25*th*; he stood pausing a while about the time, said I, you need not question his Majesties Gracious Promise, and to incourage you thereto, there is not only an assurance of Pardon, but a promise of Reward of Two hundred pounds. Said he, if I do discover any thing of my knowledge, I matter not, nor desire (I don't know which it was) his Majesties Money, so I may be secured of my Life. Upon this, my Lords, said I, Sir, you need not question his Majesties Gracious Promise, my Life for yours, if you have not his Pardon, but I will take special care about it, for I will send up a Letter to *London*, directed to some of the Lords (which *I* accordingly did) and *I* will also speak to Captain *Lane*, who is a worthy Gentleman to interpose in it too. Then said he, *I* will make a discovery of the Plot. Then, my Lords, he told me first some particular passages relating to this Lord at the Bar, and also concerning Mr. *Evers* and Mr *Peters*, now in Custody, and some other particulars; *I* wished him that he would speak no more at that time. And when *I* parted with him, forthwith *I* consulted with my self what *I* ought to do, in point of Law; *I* knew, *I* must discover, that a further discovery might be made of what had passed be-

tween

tween us. Then I went to Mr. *Freek*, who was either Mayor or Juſtice of Peace in *Stafford*, and told him he muſt come with me to Serjeant *Parry's*. He asked me what to do. I told him when he came he should know: he accordingly came, and took short Notes of a further Diſcovery, and Mr. *Freek* he certified it up to Mr. *Chetwyn*, who was then at *London*. Upon the day following the 24*th*. I roſe and went to one Mr. *Vernon*, one of His Majeſties Juſtices of the Peace, and told him what had happened, and he ſent for Captain *Lane* another of His Majeſties Juſtices of the Peace, and they took an Examination of him. I have done, my Lord, with reference to his Diſcovery, and the time.

*L. H. Steward.* Do you remember what he mentioned of my Lord *Stafford?* what he ſaid of him?

*Mr. Southall.* Truly, my Lords, I can only tell what he ſaid at the firſt Examination; he told me the firſt time my Lord *Stafford* ſpoke with him was at *Tixal*-Hall, nigh to the Gate-Houſe, betwixt the Gate and the Hall. My Lord was going into the Hall, and my Lord *Stafford* told him, it was a very hard thing, or to that purpoſe, that they could not ſay their Prayes but in private, and after told him the ſame day or night t'one, that they had ſome work to do, and he might or muſt be inſtrumental in it. This was the effect of what he told me paſſed the firſt time. Another time I think he told me he was to have five hundred pounds to kill the King.

*Lord High Steward.* When did he tell you ſo?

Mr. *Southall.* Not till Captain *Lane* examined him, which was the ſecond time he was examined; which was about the 26*th*.

L. *H. Stew.* Did he ſwear that before *Vernon* and *Lane?*

Mr. *Southall.* Yes, he did, I could give your Lordships a Breviate of what he ſwore then.

*L. Stafford.* I deſire he may give that Breviate.

Mr. *Southall.* I took ſome Notes of what he ſwore then.

*L. H. Stew.* Have you them by you, or about you?

Mr. *Southall.* Yes, my Lords, I have.

*L. H. Stew.* Produce them.

Mr. *Southall.* I took this upon ſome Paper I had in my Pocket, and is the ſubſtance of what he ſwore.

(*Which he delivered to the Clerk.*)

Clerke. *December the* 24th. 1678. *Mr.* Dugdale *informeth, That in* September *laſt, he met in* Tixall, *the Lord Stafford, nigh to the Gates, who ſaid, That it was ſad they were troubled they could not ſay their Prayers, but in a hid manner, but ſuddenly there would be a Reformation to the Romiſh Religion,*

*and*

*and if there be a good ſucceſs we ſhall enjoy our freedom. And that upon the* 20th. *day of* September, 1678. *the ſaid Lord* Stafford *told this Informant, That there was a Deſign in hand, and if he would undertake in it, he ſhould have a good Reward,* &c. *and make himſelf famous. The ſame day this Informant went up into* Mr. Francis Evers *Chamber to know what my Lord* Stafford *meant by his words; and he firſt made him ſwear ſecreſie upon his knees, and then told him, That he might be a perſon employed, and have a good Reward, and make himſelf famous, if he would ſtand inſtrumental with others in taking away the Kings Life, by Shooting or otherwiſe, and need not fear, for that the Pope had Excommunicated the King, and that all that were Excommunicated by him were Hereticks, and they might Kill them, and be Canonized for Saints in ſo doing. And that the Deſign was as well to Kill the Duke of* Monmouth *as well as the King.*

December *the* 29th. 1678. *This Informant ſaith, That ſince the* 20th. *day of* September *laſt, the ſaid Lord* Stafford *did promiſe him Five Hundred Pounds as to the carrying on of the Plot, and that Mr.* Evers *ſhould give him inſtructions about the ſame. And that the Lord* Stafford *told him, he did not doubt of his fidelity, for Mr.* Evers *had given him a good character to be truſty. And that the Lord* Stafford *told this Informant, That there was a Deſign to take away the Life of the King, and the Life of the Duke of* Monmouth, *and that ſeveral others were to be imployed in the Deſign beſides this Informant. And that this had been throughly conſidered of to be the fitteſt way for the eſtabliſhing of the Romiſh Religion. And that at the ſaid time, the ſaid Lord* Stafford *laid his hand upon his head, and prayed God to keep him in his good mind, and to be faithful to what he had intruſted him in,* &c.

*And this Informant further ſaith, That he doubting of the Lord* Stafford's *payment, the ſaid Mr.* Evers *promiſed him the making good of my Lord* Stafford's *promiſe,* &c.

*And further ſaith, that he ſaw a Letter directed from my Lord* Stafford *to Mr.* Evers, *and he read the ſame, and knows it to be my Lord* Stafford's *writing, and that therein was written, that things went on well beyond the Seas, for the carrying on the Deſign, and ſo he hoped it did do here in* England, &c.

Sir *Will. Jones.* My Lords, we will examine no further as to Mr. *Dugdale:* But will conclude with this Witneſs, and I think he ſpeaks fully to him. The next Witneſs we called was Dr. *Oats,* and your Lordships have been pleaſed to obſerve, That what Exceptions have been made againſt him, have not been ſo much by Witneſſes produced, as by oppoſing one part of his Teſtimony to another, what he ſwore at one time to what he ſwore at another, to which we ſhall give an Anſwer when we come to ſum up our Evidence; for there will be no need of Witneſſes to what is objected againſt Mr. *Oats,* but only of Obſervations; but as to the third Witneſs *Turberville,* we have ſomething to anſwer of Witneſs, and ſomething by way of making Obſervation. We will firſt call our Witneſſes.

*Then*

*Then* Mr. Southall *desired his Paper again, which the Court told him he should have a Copy of from the Clerk.*

Sir *W. Jones.* And our first Witness is to this purpose, It was objected against Mr. *Turbervill*———

*L. H. Steward.* Have you done with *Dugdale?* You have forgot to give an Answer to the objection about the point of time when *Hobson* told him of the Design.

Sir *Will. Jones.* My Lords, That will be when we come to make our Observations, we shall not answer that by Witnesses; when we come to sum up our Evidence, I doubt not but we shall give a sufficient Answer to that Objection. But to go on with what is to be answered by Testimony, your Lordships will be pleased to remember, That *Turbervill* did inform your Lordships, That he had some converse with my Lord *Stafford* at *Paris*, being introduced by some of the Fathers. My Lords, we shall call a Gentleman that had happened to be there at that time, that will tell you though he did not know my Lord *Stafford*, yet he knew that *Turbervill* did converse much with an *English* Lord in that place where my Lord does acknowledge his Lodging to be. He will give you some further account how *Turbervill* went to *Diep* in expectation of my Lord, and how he had a Message from the Lord, though he did not know my Lord *Stafford*. He will give you a further account how Mr. *Turbervill* was earnest with him to go to *Calice*, and then told him, he might go over with my Lord at that time. The use we make of these particulars we will forbear to mention till we sum up our Evidence. We desire to examine Mr. *Thomas Mort.*

(*Who was sworn.*)

Sir *Will. Jones.* We desire to ask Mr. *Mort*, whether he knew Mr. *Turbervill* at *Paris*, and at what time.

*L. H. Steward.* What say you, Sir?

Mr. *Mort.* Yes, my Lords, I knew him, it is now five years past since we were in *Paris*. He and I had been intimately acquainted, before we lived in the same Family. I was several times in company with him, and many times in his Brothers company, which was a Monk, and I heard him say his Brother had an intention he should be of the same Order. And some time after that he altered his resolution, and designed for *England*, and I had such a design too to go from *Paris*, where I was an Apprentice. And being acquainted with him I resolved to go over with him, and he told me, his Brother the Monk had introduced him into the favour of a Lord, as I take it, it was my Lord *Stafford*, as well as I can remember. And that there was a Vessel to come to *Diep*, a Yaught, and we should go thither to go over with my Lord. And Mr. *Turbervill* told me, we must make as much hast as might be, for it were better to be there a day or two too soon than too late. We went to *Diep*, and when we came there, the Vessel was not come. And when we had been there a fortnight, or thereabouts, we were

our

put to a great deal of inconveniency by reason of our long stay there, and, I think, if I mistake not, I or some of the Company said, Cursed is he that relies or depends on a broken Staff, alluding, as I believe, to my Lord *Stafford*'s Name. Mr. *Turberrill* told me, if we did go to *Calice*, we might go over with my Lord; but how or by what means he understood the Vessel would be there, and my Lord go that way, I know not. But we did not go thither, we had another opportunity; there was a small Vessel whether a Fish-Boat, or a Coal-Vessel I cannot tell, a very little one it was, but we took the opportunity, and came over in it.

Sir *Will. Jones.* My Lords, we shall make use of it in due time, we only call him now to prove his converse with a Lord at *Paris.*

*L. H. Steward.* Did you ever see *Turbervill* at a Lords House in *Paris?*

Mr. *Mort.* No, my Lords, not that I can remember; but I think as near as I remember, I will not be positive, I walked about *Luxenburgh* House while he went, as he said, to the place where the Lord lodged, I was thereabouts till he came.

*L. Stafford:* In what Street was it?

Mr. *Mort.* Indeed I cannot tell.

Sir *W. Jones.* This man is very cautious.

*L. H. Steward.* Can you tell the Lords Name?

Mr. *Mort.* I do not remember his Title, but I think it was my Lord *Stafford.*

Sir *William Jones.* Pray who were you Servant to? Who were you bred under?

Mr. *Mort.* My Lord *Powis.* I served as Page to him, when Mr. *Turbervill* was Gentleman-Usher to the Young Lady, one of his Daughters, since married to my Lord *Molineux.*

Sir *Will. Jones.* Will my Lord please to ask him any Questions? if not, we will go on.

L. *Stafford.* No, not at present.

Sir *Will. Jones.* Well then, my Lords, we desire to call one Mr. *Powell,* a Gentleman of *Grays-Inn,* to tell you when he first heard Mr. *Turbervill* speak of this Evidence he hath now given.

*Mr.* Powell *was sworn.*

Sir *W. Jones.* Pray will you give an account what discourse you had with Mr. *Turbervill* about the Plot, and when.

Mr. *Powell.* About this time Twelve-month we discoursed about it, and he told me, that he had much to say in relation to the Plot; but truly he did not name any particulars to me at that time.

Sir *Will. Jones.* Where was this, we desire to ask him?

Mr. *Powell.* It was at the *Kings-head* Tavern in *Holborn.*

Sir

Sir *William Jones.* Are you ſure it was a year ago?

Mr. *Powel.* It was about this time Twelve-month.

Sir *Will. Jones.* What was the reaſon he did not think fit then to reveal it? Did he tell the reaſon?

Mr. *Powel.* I think he gave me a reaſon, That he was ſomething cautious, becauſe he feared he might diſoblige his Brother at that time.

Sir *VV. Jones.* Did he give you any further reaſon?

Mr. *Powel.* I think he ſaid he was afraid he ſhould not have incouragement enough, for he ſaid ſome of the Witneſſes had been diſcouraged, and he was afraid he ſhould be ſo too.

Sir *VV. Jones.* Now we ſhall call a few Witneſſes to Mr. *Turbervill's* Reputation which have known him a good while. Mr. *Hobby.*

*L. H. Stew.* Was this time that Mr. *Powel* ſpeaks of, that he did diſcourſe with him, before or after that of *Talden?*

Sir *W. Jones.* My Lords, We do not know of any diſcourſe with *Talden*, nay we believe none ſuch was. This Witneſs ſpeaks of a Year ſince.

*L. H. Steward.* What time does *Talden* ſpeake of?

Sir *VVilliam Jones. February* or *March* laſt, and this was a year ago.

*L. H. Steward.* This was then before that certainly.

Sir *VVilliam Jones.* We deſire Mr. *Arnold* a Member of the Houſe of Commons may be ſworn. (*which was done in his place.*)

Sir *VVilliam Jones.* Do you know Mr. *Turbervill?*

Mr. *Arnold.* My Lords, I do know him very well, and I have known him theſe two years, he came recommended to me from his Grace my Lord Duke of *Buckingham*; My Lords, preſently after the breaking out of the Plot, he was ſent down into our Countrey, by the Lords of your Lordships Houſe that were of the Committee, and a particular recommendation from the Duke of *Buckingham* to me, to give him direction and aſſiſtance to find out a Prieſt, one *Charles Prichard*, and I think alſo if I miſtake not, one *Morgan*, my Lord *Powis's* Prieſt. I ſpoke with him before he went, I ſent Letters down with him, I ſpoke with him afterwards, he hath been in my family ſome time; he hath behaved himſelf very well there, and in ſeveral other ſober families nearly related to me. I have not heard a better character of any man from all ſorts of people, than of him in my life.

Sir *VV. Jones.* Did he tell you any thing of the Plot, Sir?

Mr. *Arnold.* My Lords, I did ſeveral times find by him, that he knew much; having converſed both in *France* and here with Jeſuits and Prieſts. I preſſed him oftentimes to diſcover his knowledge, and to come in to the Council; but he gave me ſuch Anſwers why he did not, that I could not anſwer.

Sir *VVilliam Jones.* What were they Sir? Pray tell us

Mr. *Arnold.* That the Witneſſes that were come in, were in danger of their Lives; that they were diſcouraged, that they were diſcountenanced; and as long as the Duke of *York* had that power in the Council that he had, and my Lady *Powis*'s Brother had that power over thoſe Countreys where he lived (which his Lordship is often pleaſed to call his Province) he durſt not do it for his Life.

*Then Mr,* Hobby *was ſworn.*

Sir *Will. Jones.* Do you know Mr. *Turbervill,* and how long have you known him?

Mr. *Hobby.* My Lords, I have known Mr. *Turbervill* near four years.

*L. H. Steward.* What account can you give of him?

Mr. *Hobby.* My Lords, my firſt acquaintance with him, was at my Brothers Houſe in *Glamorganſhire.* When I came there, my Brother ſhew'd him me, and told me he was a very worthy man, but his Friends had caſt him off, becauſe he would not take Orders in the *Romiſh* Church. He lived at my Brothers above a year; and when he came thence, my Brother writ a Letter of Recommendation to my Father to receive him there, and do him all the kindneſs he could. He came to my Father's, and ſtay'd there near half a year, or thereabouts, I cannot tell to a Month or ſo. Since, I have known him often in this Town, and been in his company; and I never knew, nor heard, but that he behaved himſelf like a worthy honeſt Gentleman; but as to any thing of the Plot, I know nothing.

Sir *VV. Jones.* We ask you not to that: Where is Mr. *Matthews*?

*Then Mr.* Matthews *a Divine was ſworn.*

Sir *VV. Jones.* Mr. *Matthews,* pray tell my Lords, Whether you know Mr. *Turbervill,* and how long have you known him?

Mr. *Matthews.* Yes, My Lords, I have known Mr. *Edward Turbervill* for about four years laſt paſt.

*L. H. Steward.* Go on, what do you know of him?

Mr. *Matthews.* My Lords, he lived ſome time in my Neighbourhood; I never knew him guilty of any ill action at all, but a perſon of a very fair Reputation. He acknowledged himſelf a *Roman* Catholick, and was pleaſed to give me the liberty to talk to him. I found him inclinable to hearken to me, and to thoſe Reaſons I offered to him; and I found he had a mind to quit that Religion, being convinced by the Arguments I gave him, and as ſeveral times he hath ſince told me, thoſe were ſome of the great motives of his coming over from the *Romiſh* to the *Proteſtant* Communion.

*L. H. Stew.* What were the Motives?

Mr. *Matthews.* One was the hazard I told him of, in his living in the *Roman* Communion as to Salvation; another was the excellency of the Doctrines of our Church, its Principles and Practices.

*L. H. Stew.*

*L. H. Steward.* Did he acknowledge to you he knew any thing of the Plot?

Mr. *Matthews* No, not a syllable of it.

Sir *Will. Jones.* We don't call him to that purpose.

*Then another Witness was sworn.*

L. *H. Steward.* What is your Name?

*Witness. William Seys.*

Sir *W. Jones.* Pray will you acquaint my Lords, what you know of Mr. *Turbervill.*

Mr. *Seys.* I have been acquainted with him this two or three years, and I never knew him guilty of any ill action in my life. I never heard of any body that could asperse him, but he hath behaved himself like a very honest, civil Gentleman.

Sir *Will. Jones.* Where were you acquainted with him?

Mr. *Seys.* Here in *London.*

*Then Captain* Scudamore *stood up again.*

Sir *Will. Jones.* He was sworn before, we desire he may speak to Mr. *Turbervill's* Reputation.

Capt. *Scudamore.* My Lords, I have known Mr. *Turbervill* for these three quarters of a year, I have been acquainted with him in *London,* he hath been much at my House, and all that while I saw nothing in him, but that he is a very honest Gentleman.

Sir *William Jones.* My Lords, I think we have but one matter more, which we should have mentioned before, but that our Witness was not come: but I hope we shall have the favour of some Honourable Lords that do know the thing, and I think there are many more that can prove it. My Lord *Stafford* who is very ancient, it may be, may not remember matters exactly, I blame him not; Oblivion is the great infirmity of old age. He was pleased to say Yesterday, he had so good health, that he had not been lame, I think he said for these Forty years; but at last his Page said for the last Seven years; and I shall confirm our proof to that time. My Lords, I think there are some Honourable Lords here, that have seen this Noble Lord, that says he was not Lame in so many years very near about the time he was confined and imprisoned, go Lame and come Lame to the House, and ease himself by holding up his Legg sometimes. My Lords, I do not say, the Circumstance is very material, but only to shew my Lord may forget himself, which I shall impute to his old Age.

*L. Stafford.* I will acknowlede it, if your Lordships please, I did say I had not been lame with the Gout so long, no more I have not. I was troubled with the Sciatica many years, but 'tis above eight or nine years since that, and I took so much Opium that that and my going to the *Bath* cured me. I have often come lame to the House out of weariness and old Age, but if ever I put my Foot upon a Stool for the Gout, or was ever so lame as to put my Foot upon a Cushion to

eaſe it, I will admit what he ſpeaks to, I'll acknowledge thus much to ſave time.

Sir *Will. Jones.* Seeing my Lord is pleaſed to go off from it, I'll call no Witneſſes to it.

*L. Stafford.* I go off from nothing, I was lame three or four years when the King came in: I went to the *Bath*, and afterwards into *Germany*, and what with Opium and the *Bath* I was cured, and I have not been lame theſe eight or nine years. I have not had the Gout in my Foot for theſe many years, and I never was ſo lame to put my Foot on a ſtool to my remembrance.

Sir *VVill. Jones.* I do not think we ſhall need to trouble your Lordships more with this matter, that my Lord was lame ſometime he is pleaſed to confeſs. One Witneſs ſays that he put his Foot on a Cushion, my Lord does not acknowledge that.

*L. Stafford.* I was never lame at *Paris.*

Sir *VVill. Jones.* That a man that is lame does ſometimes eaſe his Foot is no hard Conſequence I think.

L. *Stafford.* I deny I was lame then, I walked about the ſtreets of *Paris*, I deſire I may not be miſunderſtood.

Sir *VVill. Jones.* I muſt then deſire under his Lordships favour, if he will not acknowledge it to be within ſeven years, that we may prove it, and falſifie his Witneſs, the Page.

*L. Stafford.* I have gone with a ſtick to the Houſe, I acknowledge it, and been lame with wearineſs.

Sir *Fr. VVinn.* The Objection went to the Credit of our Witneſs, and therefore we deſire to anſwer it: my Lord was not lame, as he ſays, for ſo many years, but if we prove that within leſs time my Lord hath been lame, it will take off that Objection from our Witneſs. And we deſire a Noble Lord or two of this Houſe may teſtifie what they know. And firſt the Earl of *Stamford*, *(who was ſworn.)*

Earl of *Stamford*, My Lords, I think I have not had the honour to ſit in this Houſe much above ſeven years, but long ſince that time I have ſeen my Lord *Stafford* come lame into the Houſe of Peers, and that is all I can ſay.

L. *Stafford.* I have come lame with a ſtick to the Houſe I ſay.

Sir *Fr. Winn.* My Lords, we deſire that Noble Lord, my Lord *Lovelace* may be ſworn, *(which was done.)*

Lord *Lovelace.* My Lords, the Account that I can give your Lordships is this, I cannot aſcertain any time, but I am ſure, and I do declare it upon my Honour, and the Oath I have taken, that I have ſeen my Lord *Stafford* lame in the Houſe of Lords within leſs than this ſeven years.

*L. Stafford.* If he goes home to the *Tower* he may ſee me lame, but never put my Foot upon a ſtool.

Sir *VVill.*

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Sir *Will. Jones.* My Lords, your Lordships will be pleaſed to remember we did call a Witneſs, one *Thomas Launder*, and the account we had of him was he was gone ſick from the Bar, he was very ſick indeed, but being juſt now brought, we deſire he may be heard though it be out of time, we call him to the Reputation of *Holt*.

Thomas Launder *was ſworn.*

Sir *John Trevor.* Do you declare to my Lords whether you know *Samuel Holt?*

*Launder.* Yes my Lords, I do.

*L. H. Steward.* What do you know of him?

*Launder.* He is a Smith, my Lords.

*L. H. Steward.* What Reputation is he of?

*Launder.* Indifferent, my Lords.

Sir *William Jones.* What do you mean by that, good or bad? ſpeak plainly.

*Launder.* A Drunken Sot, a man that will Drink and Rant and Tear the Ground, and ſing two or three days or a week together, and loſe his time.

Sir *Fr. Winn.* I would ask this man whether he was ſummoned as a Witneſs upon any Tryal in relation to the Plot?

*L. H. Stew.* Were you ever ſummon'd as a Witneſs about the Plot?

*Launder.* My Lords, I was ſummon'd concerning my Lord *Aſton*'s Tryal, and I came up with my Lord *Aſton*'s people as an Evidence.

Sir *W. Jones.* Had you any offer of money, and what ſum?

*Launder.* Yes, my Lords.

Sir *Fr. Winn.* Acquaint my Lords with it.

*L. H. Stew.* Who offered it you? and when? and for what?

Sir *Will. Jones.* For what was that money offered you?

*Launder.* The money was not abſolutely offered me, but I was to have an Horſe to ride on, and money in my Pocket if I could take off *James Anſel*, *Dugdale*'s Evidence.

L. *H. Stew.* Who came and offered it to you?

*Launder.* I was ſent for by Mr. *Fox* to *Tixal* Hall, and there was my old Lords Brother for one, and Mr. *Thomas Aſton* that is this young Lords Brother, and Mr. *Francis Aſton* who is my Lords eldeſt Son were in a Room together, and this *Thomas Sawyer* that was here, and more were in the Room when they promiſed all theſe things.

*L. H. Steward.* If you would do what?

*Launder.* If I would take my Oath that this *James Anſell* was a Perjured Rogue.

*L. H. Stew.* Did all they make you this promiſe?

*Launder.* Yes, my Lords.

Mr. *Foley.*

Mr. *Fotey.* It was a Conſult together about taking off the Evidence.

Sir *Will. Jones.* My Lords, we have done with our Witneſſes, if my Lord *Staſford* pleaſe to conclude we are ready to do ſo too.

L. *Stafford.* What ſhould I conclude? about thoſe Witneſſes you have now brought in?

Sir *W. Jones.* Your Lordſhip may pleaſe to conclude your Evidence, we are ready to conclude on our part.

*L. Stafford.* Theſe new Witneſſes, muſt I ſay what I can ſay againſt them preſently? I cannot do it, I know very few of them.

*L. H. Steward.* Have you any Witneſſes here, my Lord?

*L. Stafford.* I cannot poſſibly have any. For I did not know nor gueſs theſe people would be brought againſt me. They are perſons I know nothing of. *Anſell* I have ſeen four or five times, I may have ſeen the reſt, but I do not know them to be able to give an accompt of them.

*L. H. Stew.* If you have any Witneſſes here to ſupport the credit of your own Witneſſes that have been impeached, you may call them.

L. *Stafford.* I have none, my Lords.

*L. H. Stew.* Will your Lordſhip recapitulate the material parts of your Defence, that the Proceſs may be cloſed?

*L. Stafford.* I am very unready for it, my Lords. Let me ask Mr. *VVhitby* a Queſtion, if I muſt have no more time.

*Mr.* Whitby *ſtood up.*

L. *H. Stew.* There he is, what would your Lordſhip have with him?

*L. Stafford.* I do not know the Gentleman.

Mr. *VVhitby.* Nor I your Lordſhip.

Lord *Stafford.* I ask him upon the Oath he hath taken, I know he will ſpeak truth, whether he did not ſome years ago tell my Lord *Aſton* that is dead, this Lord's Father, That *Dugdale* was a Knave, and perſuaded him to turn him away, (I ſay not it is true, but I have heard ſo) and deſired him to tell his Son ſo, that he might quit himſelf of him?

*L. H. Steward.* What ſay you, Mr. *VVhitby?*

Mr. *VVhitby.* My Lords, about three or four years ago my Lord *Aſton* that is dead (I believe it may be two years laſt *April*) ſent for me to dine with him, and when I came thither, he told me, ſays he, Mr. *VVhitby* I have ſent to you to acquaint you with a thing, but I do not believe it before I tell it you. What is it, ſaid I? ſaid he, *Stephen Dugdale* hath acquainted me, that you have employed perſons upon the Water to deſtroy my Water; ſaid I, my Lord I never endeavoured it; he ſaid, he did believe me; then I told my Lord; ſaid I, Mr. *Dugdale* is a diſhonour to the Family, upon this accompt, becauſe many times people come for money and he will not let them have it, but puts them off and makes them complain; ſays my Lord, my Son is now at *Standall*, but I will tell him as ſoon as he comes

comes home, and if you will bring the persons that have waited so long for their money, and made so many journeys, you shall hear what he will say to it. Within a while my Lord *Aston* that now is, came down, and I went thither to see what became of it. And I went to the *Bowling Green* where my Lord and his Son were; but my old Lord said nothing to me of it, nor his Son neither. Within a few days my old Lord *Aston*'s Gentleman came down to my House (one Mr. *Ashley*,) said I, I wonder whether my Lord *Aston* hath acquainted his Son with what I told him; says he, he hath, but it signifies nothing, for he will hear nothing against Mr. *Dugdale*. This I speak upon my Oath, 'tis true.

*L. H. Steward.* Your Lordship sees what this Gentlemans Opinion was of *Dugdale* then, he would hear nothing against him. Will your Lordship conclude?

*L. Stafford.* My Lords, I am mighty unready, and know not which way to turn my self, upon those new things they have brought, for I knew nothing of it, nor expected any such thing. But will you be pleased that I may call *Simon Wright* again.

(*Who stood up.*)

*L. H. Stew.* What would your Lordship have with him?

*L. Stafford.* I have nothing to say to him, but to desire him to see this Letter, whether it be of his own Writing or no.

*L. H. Stew.* Look upon that Paper, shew it him, (*which was done.*)

L. H. *Stew*, Is it your hand?

*Wright.* This is my hand. 'Tis part of that I was hired to do. There is another of a great deal more consequence than that.

L. H. *Stew.* Deliver it in, and read it.

## June the 14. 1680.

Sir,

Clerk. I *Can I bless God with a safe Conscience declare upon Oath, that* Mr. Dugdale *hath been unkind to me in taking his opportunity of my Poverty by reason of a private meeting of us two by his appointment, he did that time proffer if I would swear against You and* Mr. Gerard, *he would protect me as one of the King's Evidence, and I should not want Money; and in the* Hall *at* Westminster *he said, if I did discover it that day at* Mrs. Price's *Tryal he would set me in the Pillory: This I have owned to his face, and shall not go back from this and more, neither for fear nor favour. So I rest as you shall find by your Servant,*

Sim. Wright.

L. H.

*L. H. Steward.* Is this your hand?

*VVright.* Yes my Lords, this *I* was adviſed word for word to write.

*L. H. Stew.* Who pen'd this for you? Did you pen it your ſelf?

*VVright.* No, my Lords, they penn'd it, and a great while *I* would not ſet my hand to it, but *Jermin Drayton* ſaid *I* need not fear, *I* was not to ſwear againſt the King,

*L. H. Steward.* Who is that?

*VVright.* He is Butler to Mr. *Heveningham.*

L. *Stafford.* See what you have under his hand, *I* have no more to ſay to him.

*VVright.* But by their perſwaſion at laſt *I* did wright it, and a great deal more then that.

Sir *William Jones.* *I* deſire to ask Mr. *VVright* whether they would have had him ſwore this.

L. H. *Stew.* Were you deſired to ſwear this?

*VVright.* No, my Lords, they never put me to ſwear it; for they told me *I* was not to ſwear againſt the King; but if *I* would be ſo kind to make an Affidavit before a Juſtice of Peace, *I* might then go where *I* would into the Country, and I ſhould have money to bear my charges.

Sir *VVilliam Jones.* Who would have had you ſwear it before a Juſtice of Peace?

*Wright. Jermin Drayton* and Mr. *Longmore*, where he is I can't tell, but he told me that Sir *James Symons* was better able to perform than *Dugdale* was to promiſe.

Mr. Serj. *Maynard.* The ſame thing that was done by *Redding*, he was convicted for it, and ſtood in the Pillory.

Sir *Will. Jones.* We deſire to know whether he was ever with Sir *James Symons* himſelf, and what he offered?

*Wright.* I was once with him at the *Kings Bench*, I dined there: after I had written the Paper that was read, he gave me 20 *s.* and ſaid, he hoped I would not go off from what I had ſaid, and he hoped I was ſenſible his gratuity would not be wanting, and was ſorry he had not occaſion to uſe me.

Sir *Will. Jones.* My Lords, we have done with him; I only obſerve that my Lord *Stafford* was pleaſed to produce this Paper; he was Maſter of it, and had it in his keeping.

Sir *Fran. VVinnington. Wright* ſays, there is another Paper of more Conſequence; I wish his Lordship would produce that alſo.

L. *Stafford.* I did not know of this till juſt now it was delivered into my hands. Did you ſee Mr. *Longmore* before this Letter was writ?

*VVright.* Both before and after, to the beſt of my remembrance, and at the time when Sir *James*'s Tryal ſhould have been, at the Sign of the *Crown* in *Kings-ſtreet* in *Bloomsbury.*

*L. H. Stew.*

*L. H. Steward.* My Lord, will you conclude?

*L. Stafford.* My Lords, I desire your Lordships Pardon; I do not know how really to go about it to night. I will obey your Commands, though I fall down at the Bar. I protest before God, I was all night so ill of the Cramp, that I had no repose. If you will have me go on, I will, if you will give me but a little time to recollect my self.

*L. H. Steward.* God forbid, when your Lordship is to speak upon so great a Concern, and a matter of that importance as this is to you, you should be put at the end of the day, and in the midst of all your thoughts, to sum up your Evidence. I do believe, if you do desire time till to Morrow, my Lords will give it you: And if you would have me move my Lords in it, I will.

L. *Stafford.* One word, I beseech your Lordships ——

Sir *William Jones.* We do not oppose it.

*L. Stafford.* My Lords, I desire one thing, I am very ignorant in this matter, and do not understand it; I would desire your Lordships directons to know in what method I must proceed.

*L. H. Stew.* Your Lordship is to proceed thus if you please; Your Lordship is to recollect and recapitulate all the Proofs you have made; and you are to enforce them as well as you can, and make such Observations upon them as are for your own advantage: and this your Lordship must do for the Fact: If there remain a doubt in Law which you may have occasion to move, Counsel may be demanded; and if it be considerable and worthy of debate, you may have Counsel heard to speak to it. But the Process is closed, no more Witnesses are to be heard: There remains only Observations upon the Fact or Law to be made.

L. *Stafford.* Are no more Witnesses to be heard?

*L. H. Steward.* No, I think not: 'tis agreed on both sides, all is done: But my Lord, I would not have your Lordship to understand me so, that if so be you have yet any material Evidence, that you think it does concern you to produce, and you have it ready to Morrow, before you sum up the Evidence; I believe then, if you move my Lords, they will let it be heard: Otherwise I think here is an end of Witnesses.

*L. Stafford.* I desire the Paper I gave in, may be returned me.

*L. H. Steward.* But in order to this, my Lord, if your Lordship does think, you shall use or produce any other Witnesses, it would be of importance that you would name them now.

*L. Stafford.* Truly, my Lords, *I* will go hunt for none; and *I* think *I* shall have none: only one thing *I* must beg your pardon in; which is the only thing *I* must have Witnesses to, to answer what they have said, that my Lord *Aston* would not come to accompt. My Witnesses are very near me, Mr. Lieutenant, some in the *Tower*, and one Mr. *Birch*.

*L. H. Steward.* My Lord *Stafford*, bring thoſe to morrow that you name to night.

L. *Stafford.* If you pleaſe that I may have that Paper, *Wright*'s Letter.

*E. of Shaftsbury. My Lord Steward,* I deſire that Letter may be kept.

*L. Stafford.* It is a Paper that was given me, and I would return it: if you won't allow me it, I can't help it.

*L. H. Steward.* 'Tis deſired it may remain where it is: But your Lordship may have a Copy if you pleaſe, atteſted by the Clerk. Is it your Lordships pleaſure to Adjourn?

*Lords.* Ay, Ay.

*L. H. Steward.* This Houſe is Adjourned into the Parliament Chamber.

Then the Lords withdrew in their Order, and the Committee of Commons returned to their Houſe, where *Mr. Speaker* reſumed the Chair.

A Meſſage was ſent from the Lords by Sir *Timothy Baldwin* and Sir *Samuel Clark*.

Mr. Speaker,

*The Lords have ſent us to acquaint this Houſe, That they have Ordered* William *Viſcount* Stafford *to be brought to his Tryal at the Bar in* Weſtminſter-Hall *to Morrow morning at Ten of the Clock.*

The Commons Adjourned to Eight of the Clock the next Morning.

## The Fifth Day.

*Saturday, December* 4. 1680.

ABout the hour of Ten in the Morning, the Lords Adjourned into *Weſtminſter-Hall*, going thither in their former Order into the Court there erected, and Mr. Speaker having left the Chair, the Commons were ſeated as before.

The Court being ſat, Proclamation for ſilence was made, and the Lieutenant of the *Tower* commanded to bring his Priſoner to the Bar, which being done, the Lord High Steward began as followeth.

*L. H. Steward.* What ſays your Lordship my Lord *Stafford?* My Lords are pepared to hear what your Lordship can ſay in the ſumming up of your Defence.

*L. Stafford.*

*L. Stafford.* My Lords, I must needs say to your Lordships, That you have given me Favour and Time all that I could demand. But I am a very unfortunate man in many things, unfortunate in being brought hither upon this Accompt, and truly, my Lords, I am very unfortunate, That I had not yesterday, before I went away, the Names of some material Witnesses, and some that I did not know of, till within this half quarter of an hour; I humbly offer this to your Lordships consideration as the state of my Case. 'Tis true, my Lords, I acknowledge I was bound up to Mr. Lieutenant, and some others that I named, but I humbly tell your Lordships this, That I am Informed of some material Witnesses more this morning.

*L. H. Stew.* Are the Witnesses you speak of, any of the Witnesses you named last night?

L. *Stafford.* No, my Lords, 'Tis one of my Lords, a Peer of this House.

*L. H. Stew.* How many more have you?

L. *Stafford.* Five or six.

*L. H. Stew.* To what Point?

*L. Stafford.* To discredit the Witnesses that have been brought against me, both some of those that have discredited mine, and some that have sworn against me particularly.

L. *H. Stew.* There is no End of this way of proceeding.

*L. Stafford.* My Lords, I profess to your Lordships, in the presence of God, I do it not for delay, nor did I know of them then.

*L. H. Stew.* What say you to it Gentlemen?

Sir *Will. Jones.* My Lords, I am afraid this proceeding at this rate will never have an end. If his Lordship have any Witnesses to any material part of his Defence, though he hath bound himself up, I should not be against hearing of them. But if his new Witnesses are only to the Reputation of our Witnesses, then perhaps we must have some other Witnesses brought to discredit his, and we not knowing who these new Witnesses of his would be, may need perhaps another day to bring Testimony against them, so that I know not when the matter can have an end. Your Lordships know, there is a Rule in the Civil Law, *In testem, testes, & in hos, sed non datur ultra*; And I hope beyond that you will not go; Truly, for my own part, I did not expect any other Witnesses, but those he was pleased to name last night, in relation to the matters of Accompt; If he please to call them, we shall hear them; but for any other, considering it would prolong the Tryal to another day, and this Cause hath had four days already for Hearing, we hope they shall not be admitted.

L. *Stafford.* My Lords, I profess to your Lordships, if I were alone concerned in it, I should not have moved it, but when I consider my Wife and Family are concerned, I hold my self bound by the Duty I owe to God and them, to propose this to your Lordships; I am pressed to it by my Wife just now, since the House

came in. I protest before God, for my self, I can look Death in the face without being afraid, but when I consider in what condition I shall leave my Wife and Family, it moves me. (*Then he wept.*)

I am not concerned at it for my own part, for I know I am innocent, but I cannot forbear Tears when I consider them; 'tis not for my self, I take God Almighty to witness that I weep, I could be content to speak a few words to your Lordships, and submit to your Judgment, and take my death, if you decree me to it, and not defer it till *Munday*; But I cannot forbear shewing my Grief when I consider my Wife and Children.

L. *H. Stew.* Pray, Gentlemen, consider, whether it be not a saving of time to let my Lord examine his Witnesses, else my Lords must withdraw to consider of his desire; 'Tis true, in the practice of *Chancery* we do examine to the credit of Witnesses, and to their credit, but no further, but what my Lords will do in this Case I know not till they are withdrawn.

Sir *VVill. Jones.* My Lords, we have that Opinion of our own Proofs, and are so desirous of an End of these Proceedings, that rather than we will give your Lordships the trouble to withdraw, if my Lord will please now to tell us the number and names of his Witnesses, we shall not oppose their being heard.

Sir *Fr. Winn.* If your Lordships please, one word further; We know well of what Concern this is to my Lord, and no body desires to have him crampt in his Evidence. The Objection did lie fair on our side, it looking like a designed delay, and yet we are willing to comply with this Reservation, that if there should be any such Witnesses produced now, as may require an Answer, that we may not be foreclosed of advising with one another about it.

*L. H. Stew.* No, by no means. My Lord *Stafford*, your desire is consented unto upon these Terms, That your Lordship will now name the persons and number of the Witnesses you will call.

Mr. *Hambden.* And the Points to which you will call them.

*L. Stafford.* I humbly thank your Lordships for the favour, but it is an impossibility for me to do it: If your Lordships will give me a quarter of an hours time, I will name them, I cannot name some of them, one is my Lord *Ferrers*, another is one Dr. *Taylor*, Dr. *Watson*, Dr. *Elliot*, and one *William Dale*.

*L. H. Stew.* Now to what Points will your Lordship call these Witnesses?

*L. Stafford.* My Lord *Ferrers* is to speak his knowledge of *Southall* the *Coroner*, and that is as to *Dugdale*, my Lord knows that person Dr. *VVatson*, and they are to invalidate the Testimony of Dr. *Oats*, and there is another mans Name, I forget what it is.

Sir *Will. Jones.* To what Point is he to be a Witness?

*L. Stafford.* 'Tis to Dr. *Oats*, and the Evidence against me.

Mr. Serj. *Maynard.* So there will be pretences made every moment of some new Witness to put off this Cause.

Lord

Lord *Stafford.* Under your Lordships favour, I ſcorn to make any delay. If you think this may not be material, or not fit to be done, I will quit it.

*L. H. Stew.* Go on my Lord.

L. *Stafford.* Will your Lordships be pleaſed to begin with my Lord *Ferrers (who ſtood up in his place.)*

*L. H. Stew.* My Lord *Ferrers*, your Lordship is called upon by my Lord *Stafford*, and you being a Witneſs for the Priſoner, and againſt the King, your Lordship is not to be ſworn.

Lord *Ferrers.* My Lords, what I have to ſay concerning that perſon my Lord named, *Southall*, is only upon Hear-ſay, and upon the Reputation he hath in the Countrey; for I have no acquaintance with him, nor do know him at all: But the Reputation that hath been given me of him in the Countrey, is, That he hath been a very active man in the late times againſt the King, and is counted to be a very pernicious man againſt the Government.

Lord *Stafford.* Call Dr. *Taylor.*

*Servant.* I know not where he is, he can't be found at preſent.

L. *Stafford.* Then call *VVilliam Dale* in the mean time. My Lords, This ſame *Southall* I never heard of, the other man that drew up the Affidavit, that is *Feake*, I know, he was named by *Southall* to joyn with him in the Examination, I can tell what he was, I can prove that he is an Attorney, that he was Mayor of *Stafford*, and proclaimed the King Traytor.

*L. H. Steward.* Who was that?

Lord *Stafford.* One that drew up the Affidavit of *Dugdale*, *Feake* mentioned by *Southall.*

*L. H. Steward.* Who is your next Witneſs, my Lord?

*L. Stafford.* One *VVilliam Dale* (who being called appeared.)

*L. H. Steward.* What is your Name?

*VVitneſs. VVilliam Dale.*

*L. H. Stew.* What do you ſay?

*L. Stafford.* About *Dugdale*, my Lords, what he knows about his offering him any money.

Sir *VVill. Jones.* We deſire to know where he lives?

*Dale. Dugdale* never offered me any money.

*L. H. Stew.* Where do you live?

*Dale.* At *Owſeley-bridge.*

*L. Stafford.* Pray ask him whether *Dugdale* perſuaded him to ſwear againſt my Lord *Aſton* ſomething he knew not.

*L. H. Stew.* Did *Dugdale* ever hire you to ſwear againſt my Lord *Aſton*?

*Dale.* No, he never hired me.

L. H. *Stew.* Do you know that he ever hired any body elſe to ſwear falſe?

*Dale.* I do not, my Lords.

L. S[illegible]

L. Stafford. My Lords, I most humbly thank your Lordships for your favour in giving me the liberty of examining these other Witnesses, I shall trouble you no further, nor give no more Evidence, only one Witness, my Lords, I shall trouble you no further, and that is Mr. Lieutenant of the *Tower* to this point, whether my Lord *Aston* did refuse to come to accompt with *Dugdale*.

*L. H. Steward.* Come, Mr. Lieutenant, do you know any thing about Accompts between my Lord *Aston* and Mr. *Dugdale*?

*Mr. Lieutenant*, My Lords, last Summer was 12 month *Dugdale* came to the *Tower*, but my Lord *Aston* would not speak with him, unless I were by; so they brought him to my Lodging, and he shewed me the Books of Accompts, I told them I did not understand Accompts, but if they would have me be by I would get some body to be present that did, and have them adjusted. Mr. *Dugdale* said he whould come another time, but from that time to this I never heard of him.

*L. Stafford.* My Lords, I shall not trouble you with any more Witnesses. My Lords, I have now done my Evidence. I shall as well as my weak memory and old Age will give me leave sum it up, something (as well as I can) of the Evidence given against me, and for me. Truly, my Lords, I am able to do it very imperfectly for want of understanding, and truly for want of sleep, but I do not doubt, but that according to the Law, as I am informed it is, since I can have no Counsel in matter of Fact, or to advise me in any thing of that nature, yet I am also informed by the Law, your Lordships who are my Judges, are my Counsel. And I do not doubt but your Lordships, when you take it into consideration, will supply any defects which I shall commit, which I believe will be many, I shall spend your Lordships time as little as I can, though these Gentlemen of the House of Commons believe I desire to protract it, yet I profess before God I do not. And I declare before them all, and your Lordships, I am so satisfied of my own Innocency that I would never beg a moments time of delay; and I know your Lordships will take care of the Life of the meanest Subject; and though I have had the honour to sit among your Lordships as a Peer, yet I ask not for your favour, but with your justice too; I shall therefore sum up my defence as well as I can. For the first Witness *Dugdale* he swore I was at a Consult at *Tixal* in the end of *August* or the beginning of *September*, I have sufficiently proved that in all *August* I was not there, nor till the 12. of *September*. I have proved that his first Oath was, I was there in *August*, and a man that will swear false in one thing is not to be credited in any. I have made it appear to your Lordships, that upon the 20. of *September*, when he says he was in my Chamber and I sent the Page to call him, that it is false, it was only he desired he might come to me to get leave that he might go to the Race, my Lord *Aston* being angry with him for it. This I conceive is proved sufficiently by two Witnesses, my Man and my Boy, and this I think I have

proved

proved as positively as can be done. My Lords, 'tis true, 'tis objected against me, That I had said *Dugdale* was never seen alone with me in my life, 'tis true, and 'tis true *Ansell* swears he brought a Footman to me, but he swears it was in the Morning when it was at Supper, and does not say that he was alone with me. My Lords, *Dugdale* swore that he told Mr. *Philips* and Mr. *Sambidge* of the death of Sir *Edmundbury Godfrey* on the *Munday*, some swore he said it was on the *Tuesday*, but they deny that ever he told it them, and so he is forsworn in that. And my Lords, whether he be a man of any great Credit I think I have proved enough to your Lordships. 'Tis proved by two Witnesses *Holt* and *Morrall* that he offered them money to swear, as likewise he did to another, one *Robinson*, whom I do believe by the Information that was given of him to be a wicked ill man and not to be credited, but being so, my Lords, he was the fitter for *Dugdale*'s turn. And yet he had so much Conscience, though he was a poor and needy fellow, he would not swear a mans Life away for money, the other two are without exception, the one they say is an idle fellow, and t'other a man but of an indifferent Reputation, how far that will move with your Lordships, I submit it to you. I suppose 'tis also clear by my Witnesses that *Dugdale* is a man of no Reputation, having forsworn himself in several particulars, and I submit the Credit of all he says to your Lordships upon that.

The next Witness, my Lords, is Mr. *Oats*, whether he be a Doctor or no I know it not, he would not own it here, he, my Lords, swears that he saw a Commission delivered to me to be Pay-master of an Army to be raised, God knows when, I never heard when, or where, I suppose it was in the Clouds, for I never knew where else. Mr. *Oats* all along before swore only that he believed I was in the Plot, now he swears I was in it, at Mr. *Fenwicks* Chamber a man I never saw in my life, nor heard of till this discovery. And that he saw Letters subscribed by my Name; but that, my Lords, I conceive is no Evidence at all, for he never saw me write nor does know my Hand, nor does he pretend to know me then, and when he had told your Lordships he had a Letter of mine, he pretended to look for it, and then said he had lost it, that is, never had it. But besides, my Lords, his Evidence now does not agree with his former, for I do appeal to your Lordships that were in the House then, that he swore the first time, He only saw my Name to Letters, afterwards he swore (that is some days after he had ended all his Evidence, and knew no more than he had put down then, afterwards he remembers what he knew not before, and swears) a Commission he saw delivered to me: So his Memory increases as he hath time to invent, and perhaps by another time it might be much more. But, my Lords, I think that one particular, his swearing before your Lordships, as 'tis entred in your Journal, that he had no more to say against any body, and afterwards naming the Queen, and now me to have a Commission, I conceive is perfect Perjury. My Lords, Mr. *Oats* told your Lordships, That he had never been

been a Papist in his Heart but ever feigned it; truly my Lords I cannot possibly give over that point, That a man that feigns himself to be a Papist or any thing that in the opinion of Protestants is so wicked a thing as that, is fit to be believed, if he shall not heartily repent himself, and own it to God and Man as an ill thing to dissemble so. But yesterday he with a smiling Countenance, and as it were in derision, owns that which must be a very great offence to God Almighty to pretend to be of an Idolatrous Church. I appeal to your Lordships whether he be a fit Witness, I conceive he cannot be thought a Christian, nor to believe in God. I know many wicked and infamous persons have done many wicked things, and yet have been Witnesses, but never did any wicked man own a wicked thing, that he might have concealed, with boasting of it, that ever was credited in any thing; for if he had said I do acknowledge I did dissemble with God and my own Conscience, but I ask God forgiveness, it was for a good End and a good Intention, it had been something (though that could not have atoned for so ill a thing) but shewing no Repentance, but rather an impudent affronting of God Almighty, I think he is not a fit Witness, I appeal to your Lordships and the whole Christian World if he be. I cannot believe your Lordships will condemn me for an Opinion which I will go to my death with, and it stands upon me so to do.

The last Witness, my Lords, is *Turbervill*, and he says, in the year (75) he often discoursed alone with me for a fortnight together at *Paris*. My Servants he owns he never saw them, and how he could come for a fortnight together, and not see my Servants, *I* refer it to your Lordships consideration whether it be possible. For I'le tell your Lordships, when *I* had been a few days at *Paris* my Landlord came one day to me, and said, You do not do well to suffer any body to come to you without your Man be by, for there came yesterday a Frenchman to speak with you, and *I* do not know him, and he went strait up to your Chamber without any body with him, 'tis a dangerous thing, said he, for *I* know that Frenchmen and people have come up, and been alone with persons, and put a Pistol to them, and made them deliver their mony for fear of their Lives, therefore pray, said he, do it no more. From that time, which was a few days after, *I* came to *Paris* the latter end of *October*, or the beginning of *November*, no Christian Soul was permitted to come to me without my Servants, how then could he come to me for a fortnight together and none of my Servants see him? My Lords, this Gentleman very civilly the next day after he had made an Affidavit against me would needs mend it, and Sir *William Poultney* did acknowledge that he made Affidavit one day, that he came to my Lord *Powis's* in the year (73) and the next day amended it to (72.) Now *I* humbly conceive, my Lords, a man that swears one thing to day, which he forswears to morrow is not to be believed; And the truth of it is, as his Brothers prove to your Lordships, he came to my Lord *Powis's* in the

the year (71) and so he forswears himself in every thing, and is in no wise to be believed. He swears to your Lordships I writ a Letter to him to acquaint him that I would go by *Calice*, and not by *Diep*; but I have proved I went by *Diep*, and I assure your Lordships I have not been at *Calice*, I think, these twelve or fourteen years. I conceive these things are very manifest and clear proofs against him that he hath not swore one true word. He swears that my Lord *Powis*, my Lady *Powis*, and his friends, perswaded him to go to *Doway* to be a Frier, but not liking it he came over again and was in danger of his life by them; but the Evidence is sufficiently strong in proof that he afterwards was at my Lord *Powis*'s and was well received, that he lay in the House, and was not in the least injured by them. And for his other Relations his Brother proves he was not ill used by them. They gave him Seven Pound to be gone and trouble them no more. He says, I said, he was a Coward, and I'le tell you why I said so, because a Captain, that is now out of *England*, told his Sister so, who told me, But that is not very material. My Lords, there is one Witness more, *John Porter* that swears to your Lordships this one thing, That this *Turbervill* swore to him at such an Alehouse, he knew nothing of the Plot. And then my Lords there is Mr. *Yalden*, and he is a Gentleman of Reputation, he said in his company, there was no Trade good but that of a Discoverer, God damn the Duke of *York*, *Monmouth*, Plot and all, for I know nothing of it. Truly, my Lords, whether he got no money by it or is known since he hath been a Discoverer, telling what he knew not so many Months ago; and therefore I submit it to your Lordships what he is.

My Lords, these people that swear against me, there is not one of them a person of any Quality or Condition, and whether they have not rather sworn for money than the truth, by things that are known, and need no proof, I shall observe when I come to it to argue that point in Law; Whether a man that swears for gain is a credible Witness or no?

My Lords, I have as well as I can summed up that little Evidence that was given against me, I cannot better do it in so short a time, for indeed I had but a very short time last night, and I have not slept, I had the Cramp so much in extremity that my next Neighbour heard me roaring out. My Lords, I submit my self to your Lordships, and doubt not but that the matters charged upon me will appear to your Lordships sufficiently answered. And I beseech your Lordships well to consider that one thing against Dr. *Oats*, his dissembling with God Almighty, and his impudent owning of it. This I do insist upon, and I protest before God Almighty, if I were a Judge, I would not hang a Dog upon such Evidence. My Lords, I have many points in Law to offer to your Lordships, and when you please I should do it, I'le name them to you.

*L. H. Steward.* Name them, my Lord, if you have any Doubts in Law propound them.

Lord *Lovelace.* My Lords, I would not interrupt my Lord, but I think indeed it is no interruption, since his Lordship broke off and was going on to another point. But I think I see one of the impudentest things that ever was done in a Court of Justice; Whilest we are Trying a Person here for a Popish Plot, I do see a professed Papist standing in the Body of your House, and that is Sir *Barnard Gascoyne.*

*(Who thereupon went out of the Court.)*

*L. Stafford.* My Lords, I do conceive I have cleared my self to your Lordships of what I am accused of. My Lords, The Course of my whole Life hath been otherwise, I defie any Creature in the World to say, That I ever used one disobedient or disloyal word of the King, or did any such Act. I waited on the King that now is in the Unhappy War that is passed, when I was in a low condition enough as to Fortune, and my Wife and Family were thereby reduced to great Streights, for my Wife and Children lived some five or six years upon some Plate and Jewels that we had, whereas if I would have come, and been at *London*, and joined with that party, I could have saved my Estate, and lived quietly as others did. But my Conscience told me, I ought to wait upon the King, and offer him my personal Service, when I could do him no other. I have shewn how the Witnesses have forsworn themselves, I shall now, if your Lordships please, desire your Opinion in some points of Law. And though perhaps I may name to your Lordships many things that are impertinent, or not to the purpose, I beg your Lordships pardon, 'tis out of the weakness of my Understanding, and I hope you will not think ill, neither your Lordships, nor the House of Commons, if I should, through Ignorance, move things impertinent. The first Point of Law is this,

First, I conceive there is no Example or President for it, That Proceedings Criminal ever did continue from Parliament to Parliament, and this is continued to three.

*L. H. Steward.* Speak out my Lord, and go on

*L. Stafford.* Secondly, my Lords, I do not question the power of the House of Commons in the least, but, my Lords, I know they Impeach when they find Grounds for it without dispute, but I question whether any man, by the known Laws of this Kingdom, in Capital Cases, can be proceeded on, but by Indictment first found by the Grand Jury, and not by Impeachment by any Person, or other body of Men.

*L. H. Steward.* Say on my Lord.

*L. Stafford.* Thirdly, my Lords, I conceive there are many defects in the Indictment or the Impeachment (Indictment there is none) There is no Overt Act alledged in the Indictment or Impeachment, I know not well what it is called. And, my Lords, by the Act of Parliament in 1 *H.* 4. *c.* 10. nothing from thenceforth is to be Treason, but according to the Statute of 25 *Edw.* 3. which includes an Overt Act.

Fourthly,

Fourthly, my Lords, *I* desire that *I* may prove that by Law they are not competent Witnesses, for they swear for money. But my Lords, *I* forgot one thing to say to Your Lordships as to the Evidence, that these Gentlemen did endeavour to prove (*I* do not speak whether they did or not) a general Plot of the Papists, whether they did not, *I* am not concerned in it, for *I* say they have not proved me a Papist, which *I* submit to Your Lordships; and though any man may know me so in his private knowledge, yet they having not given any proof of it, 'tis not to affect me.

Fifthly, There is is one Point of Law more, That no man can be condemned for Treason, as *I* conceive by one Witness, and there are not two Witnesses to any Point. These are the Points of Law, *I* humbly beg your Lordships pardon for the trouble, and desire your Opinion in them.

Sir *William Jones.* My Lords, Before we make answer to what my Lord hath said, *I* do humbly desire, That for the Objection which he hath made against Mr. *Southall*, proved by a Noble Lord of this House (though *I* must observe it was not of his own knowledge, but by Hear-say, and that matter of Hear-say contrary to the Act of Oblivion) to the end there may no doubt remain of Mr. *Southall*'s Credit, that a Noble Lord of this House, and a Gentleman of the House of Commons (who both know Mr. *Southall*) may be heard to his Reputation.

Sir *Fran. Winn.* My Lord *Ferrers* knew him not himself, but my Lord *Brook* and Mr. *Gower* will give a better account of him.

(*Then the Lord* Brook *was sworn.*)

Lord *Brook.* My Lords, What *I* have to say concerning this Mr. *Southall* is, That he hath been often employed both by my Brother and my Mother, and they have so good an Opinion of him, that they employ him still, and therefore we take him for an honest man, and an able man, or he would not be so much trusted and employed, and *I* take him to be a very good Churchman, for if he was not *I* would not employ him.

L. *H. Steward.* An honest man, an able, and a good Churchman your Lordship says.

Lord *Brook.* He receives the Sacrament four times a year.

Sir *Will. Jones.* Then swear Mr. *William Leveson Gower*, a Member of the House of Commons. (*which was done in his place.*)

Mr. *L. Gower.* My Lords, *I* have been near 7 years of *Staffordshire*, but did not know Mr. *Southall* till this Popish Plot was discovered. After that *I* came acquainted with him (being a Justice of the Peace in that County) in Court, where *I* found him to be the most zealous Prosecutor of the Papists in that Country, no man like him. *I* likewise found several Popish Priests, had by his means, been apprehended, and imprisoned, and one of them since convicted, who by the way still remains unexecuted in *Stafford* Goal. What Opinion some may have

heard or had of him formerly, I cannot tell, but this I know, that he hath more than once come to desire my Assistance, that he might prosecute the *Papists* the most effectual way upon the Statutes made for that purpose, and that he did complain to me that he had not met with good usage elsewhere.

My Lords, I take Opinion to be grounded upon Principles, and I do observe that those of this Country, who do believe this *Popish Plot*, and know Mr. *Southall*, and are principl'd for the Preservation of the King, the Protestant Religion, and the Government, do at this time speak well of him, and those who are not so principl'd speak otherwise.

My Lords, I was surpris'd when I heard my Name mention'd upon this occasion, I have told your Lordships all the matter of Fact that upon the suddain occurs to me, (with my own Opinion, which I offer with all submission) and had I had notice, I might possibly have recollected more, which I would freely have declared to your Lordships, but this is all that I can now say.

*L. Stafford.* My Lords, if your Lordships please, I would say one word, if you will give me leave, I am very ignorant, and beg your Lordships pardon for troubling of you, I humbly desire to know, whether after the Points of Law are argued, I may speak something not concerning the Evidence of the Plot, but concerning my self.

Sir *Will. Jones.* My Lords, we shall not oppose the saying any thing he can for himself, but we must conclude, and have the last word.

*L. H. Steward.* My Lord, the Gentlemen that are for the *House of Commons* must conclude. My Lords will give you all the favour they can, but they must have the last word.

*L. Stafford.* I do not oppose it.

*L. H. Steward.* Therefore you will do well to say all you have to say together. For the Points of Law, my Lords will give no Judgement till the Commons have answered them, and they I suppose will first sum up the whole Proofs, then you may say what you have to say, for they must make an end. Gentlemen, will you speak first to the Law?

Sir *Will. Jones.* No, my Lords, first to the Fact.

*L. H. Steward.* Go on then.

*Then Sir* William Jones, *One of the Committee appointed to manage the Evidence, began to sum up the same as followeth:*

MAy it please your Lordships, We have now done our Evidence, as to matter of Fact, and that which I have in Charge at this time, is to remind your Lordships of our Proofs, to answer the Objections that have been made against them, and to make some Observations upon the whole.

My Lords, The Members of the *House of Commons* that were appointed for the

the Service of the Management of this Tryal, those of them (I mean) who began the first day, made a Division of our Evidence into two parts, the one, that which concerned the Plot in general, and the other what related to this Lord in particular.

My Lords, as to the Plot in general, we did call six Witnesses, I know some of your Lordships have taken Notes, and you have their Names, they were *Smith*, *Dugdale*, *Prance*, *Oats*, *Denis* and *Jenison*.

My Lords, because I will save as much of your time as I can, I will not take upon me to repeat what each Witness said as to the Plot in general; but when I come to the Evidence which immediately concerns my Lord, I must beg your favour that I may be more particular. I will say thus much for the Proofs of the Plot in general, That there was by those Witnesses so much fully proved, that made it most apparent, That there was a general Design amongst the *Roman Catholicks* to introduce their false Religion into this Kingdom, That the *Jesuits* had several Meetings to that end, That they endeavoured to do it by several ways, by raising of Armes, by collecting of Monies, and by designing against the Kings Life; nay, they had so far advanced their Designs, and were in so much readiness, as they thought it time to appoint Officers not only for their Army, but for the Civil Government, as if the Work were already accomplished.

Your Lordships were told by one of the Witnesses of a *Lord Chancellor*, and of a *Lord Treasurer*, (Lords now in the *Tower* yet to be tried) and you were told also of Officers for the Military part, a General, a Lieutenant-General, and this Lord at the Bar to be Pay-Master of the Army.

I shall, my Lords, desire to take notice to your Lordships, That this Design, though it was to be finally acted by other Hands, yet was it first contrived, and afterwards carried on by the Priests and Jesuits. You will find them preparing for it, by making Sermons to justifie that Doctrine (which I confess this Noble Lord denies) of the lawfulness of killing Kings. You will find the Priests and Jesuits, in their Discourses as well as Sermons, urging and incouraging their Disciples and Votaries, to go on with their Design of killing our King, and giving that common Reason for it, That He was an *Heretick*, and it were meritorious to take him out of the way.

My Lords, I take notice of these particulars in the general Plot, because it may give great light to, and add much to the Confirmation of the particular Evidence. And, my Lords, (I think) I may take leave to say, That the Plot in general hath been now sufficiently proved. And if we consider what hath been proved at former Tryals (upon which many of the Offenders and Traytors have been executed) what hath been published in Print, and above all *Coleman's* Letters, written all with his own hand, and for that reason impossible to be falsified; we may justly conclude, that there is not a man in

*England*,

*England*, of any understanding, but must be fully convinced of the truth of the Plot in general. I shall spare to mention the Resolutions and Declarations of Two Parliaments, and of both Houses in those Two Parliaments without (as I remember) one dissenting Voice, expressing their full satisfaction of the Reality of the Plot; so that I think now none remain that do pretend not to believe it, but two sorts of persons, the one those that were Conspirators in it, and the other those that wish'd it had succeeded, and desire it may so still.

But, my Lords, I will be the shorter on this part; For perhaps it will be objected, You have offered a fair Proof of a general Plot, here are Records, Votes of both Houses, Papers and Evidences printed, and Witnesses *Viva voce* to prove it; but what is all this to my Lord *Stafford*? My Lords, it goes a great way to him; I do not say to be a convincing Evidence, but to make the particular Evidence against him highly credible.

Your Lordships cannot imagine, That there are such a store of Lords and great Men amongst that Party (though there be too many) that they should have great Choice for great Offices. Your Lordships hear how the other great Offices were disposed of, and truly I think the Merit of this Lord amongst that party might very well intitle him to an Office as great as this of *Treasurer* of War, or *Pay-Master* to the Army. But what is the Evidence of the general Plot (may some still say) to my Lord *Stafford*? what do you mention the raising an Army? what do you mention the collecting of Money? what do you mention the providing of Arms for? Yes my Lords, they are very useful, for they give a a fair Introduction to prove against this Lord that he was to have this Office. If it be proved by other Witnesses than those who swear directly against this Lord, That there were Arms provided, that there was an Army to be raised, and the rest; It proves at least that there was Occasion for such an Officer as the particular Witness proves my Lord was to be.

My Lords, For the other matter that relates to the Consultations of the Priests and Jesuits, and their Sermons and Discourses; I desire your Lordships to observe that also, which if you do, your Lordships will easily perceive what a great influence even that matter hath upon the particular Evidence, and how credible it renders the Testimony of the particular Witnesses. Your Lordships will find, when my Lord was at *Tixal* (as *Dugdale* gives you an Accompt) there was *Evers* the Jesuit, and other Priests still at my Lords Elbow, and egging him on to this business. Your Lordships will find where *Oats* speaks of him, it is at *Fenwick's* Chamber, who was a Jesuit, giving him ghostly Counsel. Your Lordships will find, that at *Paris*, where Mr. *Turbervill* speaks of him, there were Father *Sherborne*, Father *Nelson*, and Father *Anthony Turbervill*. Still the Priests are about my Lord; and when my Lord is among them, or but newly come from them, then he utters the Treason of killing the King. And doubtless this trayterous purpose of his did arise from their Counsels. So that though

though our Witnesses speak of my Lords Discourses at several times about killing the King, yet they make them flow from one and the same Fountain, the instigation of the Priests and Jesuits.

But now, my Lords, to come to the particular Evidence, I think I may say, if ever Evidence was convincing, this is so. We have brought three Witnesses which speak each of them that which is sufficient to prove my Lord Guilty, and they speak of Overt Acts too, as I shall observe anon.

His Lordship was pleased at the beginning of our Evidence to desire that the Witnesses might look him in the Face, and for that he cited two Statutes, I supposed he intended the Statutes of 1. & 5. of *Edw.* 6. which Statutes, or at least one of them, do say, That there shall be in Case of High Treason two Witnesses to accuse, and those two Witnesses brought face to face at the time of the Tryal. And my Lord hath had the benefit of those Laws, he hath had two, nay three Witnesses to prove him Guilty, brought face to face before your Lordships, and if these three, or any two of them, deserve to be credited, my Lord in this Case is Guilty of High Treason. My Lords, I must beg the favour of looking upon my Paper of Notes, for the truth is, the Witnesses are so many, and the proceeding hath held so long, that it is impossible for my weak memory to retain all that was said.

My Lords, the first Witness we began withall was *Dugdale*. And I know your Lordships did take notice what he swore, but it will be my Duty to remind your Lordships, That he tells you, That he had heard of a general Design of making preparations to be ready against the Kings Death, and this for several years past. But as to the matter of hastening the Death of the King, that was but a late Counsel. He tells you, I think, that about the latter end of *August*, or the beginning of *September*, 1678. *Evers* and other Jesuits were at *Tixal*, That there was a Consult then about the Kings Death, and that (by the means of *Evers*, who was a very great Man among them, but since fled, and is mentioned in the Impeachment) he was admitted to that Consult, and heard particularly what every man said; and he does take upon him to say, That at that time the matter of taking away the Kings Life was propounded, and that my Lord, the Prisoner at the Bar, did consent to it.

My Lords, He tells you further, That upon a *Sunday* Morning my Lord came from *Stafford* to *Tixal* to *Masse*; my Lord was pleased to observe that we do not prove him a *Papist*, but we prove my Lord came to *Masse*, and that I think is one good Proof of his being a *Papist*. Besides, *Dugdale* swears my Lord did then complain, That they had not the free Exercise of their Religion, that they could not say their Prayers openly; What were they? Not the Prayers of *Protestants*, not those contained in the Liturgy of our Church. He could not complain of any restraint as to them, but complain he did that they had not the free Exercise of their Religion, but he did hope, if things succeeded well, in a short time, it would be otherwise. This is particularly sworn by *Dugdale*.

My

My Lords, His Lordship was very much unſatisfied, That *Dugdale* was not particular in point of time, he did talk of ſome matters to be in *Auguſt* or *September*, but could not fix to any day. But your Lordships will remember, that as to one particular, and which mainly concerns his Lordship to anſwer, he comes to a day, or within a day, for he ſwears poſitively, That upon the 20. or 21. of *September* he was ſent for to my Lords Chamber, the Servants were put out, that there my Lord did propoſe to him in expreſs terms, the matter of Killing of the King. He would have him be an Actor in it, and he offered him a Reward of 500 *l.* to perform it. For this which is the moſt material part of his particular Evidence againſt my Lord, he is certain 'twas either on the 20. or 21. of *September*; and he tells your Lordships how he comes to remember the time, by a good Token, by the Foot-Race that was then to be run; and I do not perceive that my Lord does deny, but rather acknowledge that *Dugdale* was in his Chamber at that time. 'Tis true, he does deny ſome other Circumſtances which I ſhall anſwer anon. And here I do think *Dugdale* undertakes to ſwear to that which will amount to an Overt Act, and a damnable one too, that is the offering 500 *l.* to kill the King.

But *Dugdale*, it ſeems, was not willing to depend upon the promiſes of my Lord for ſo much money, his Lordship had not that credit with him; he repairs to *Evers*, and deſires to be ſatisfied from him whether he might rely upon my Lord for ſo much Money, *Evers* told him he might be ſure to have the Money, and that there was enough in *Harcourts* and other mens hands for the carrying on that bleſſed deſign, and that he ſhould have it thence. I might, my Lords, remember to your Lordships how *Dugdale* does particularly ſwear concerning another diſcourſe he had afterwards with my Lord. That my Lord complained of the great loſſes that had been ſuſtained by him and his friends for the King, how in particular my Lord *Aſton's* Father had loſt 30000 *l.* and what reſentments my Lord had of it; he ſaid that places of profit were rather beſtowed upon thoſe that diſſerted the King, and were Rebels and Traytors, than on thoſe that did him faithful Service; and what does he conclude from thence? He is very angry with the King, and does ſay that next to the Cauſe of Religion (which was the ſtrongeſt motive with him to take away the Kings Life) the Kings ingratitude to his Loyal Subjects was that which did moſt offend him.

I ſhall not trouble your Lordships with other particular matters which were to ſerve as incouragements to the Deſign, as that there was to be a Pardon from the Pope; that my Lord did write a Letter to *Evers*, which was ſhewn to *Dugdale*, wherein he ſays, That things did ſucceed very well abroad, and he hoped they would do ſo at home. I ſhall only obſerve that *Dugdales* Evidence, as to my Lords damnable Deſign of killing the King, is poſitive and full. And if this be to be believed (as I hope we ſhall ſhew there is no reaſon but it ſhould be)

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be) then here ſurely is one ſufficient Witneſs to prove my Lord guilty of the Higheſt Treaſon.

My Lords, The next Witneſs we called for againſt my Lord was Dr. *Oats*; and I think Dr. *Oats* is not only poſitive, but he is poſitive in that which moſt certainly will amount to an Overt Act, nay I think to more Overt Acts than one. The Doctor tells your Lordships, That having been at St. *Omers* and in *Spain*, he ſaw ſeveral Letters that were ſubſcribed *Stafford*; he did not then know my Lords Hand, but he ſaw the Letters, and he tells you the effect of thoſe Letters. And I remember in one of them there is this Expreſſion, That my Lord (the Priſoner at the Bar) does give Aſſurance to the Fathers that he is very zealous and ready to do them ſervice.

Doctor *Oats* tells you, my Lords, That afterwards coming into *England*, my Lord *Stafford* did write a Letter, I think it was to his Son, but ſure I am the Doctor ſaid, he had the carriage of it to the Poſt-houſe, that he ſaw my Lord write it, he read the ſuperſcription, and he ſwears that the Hand which writ that Letter was the Hand which ſubſcribed to all the former. And ſo then joyning the one to the other it amounts to as good an Evidence as if he had known my Lords Hand from the beginning.

But that which comes home to my Lord, is that which Doctor *Oats* ſaw, and that which Doctor *Oats* heard; and they are theſe particulars which I now mention.

Firſt, he ſaw a Commiſſion directed to my Lord to be Pay-maſter of the Army, he ſaw it delivered to my Lords own Hand and my Lord accepted it. Doctor *Oats* read the Commiſſion, and he tells you by whom it was ſigned *Johannes Paulus Oliva*, a perſon ſubſtituted by the Pope to iſſue out Commiſſions; he tells you the Contents of it, and of this he ſwears he was an Ocular Witneſs.

He tells you of another Matter he heard my Lord ſay, as conſiderable as the other, That when my Lord had received the Commiſſion, my Lord declared that he was to go down into *Staffordſhire* and *Lancaſhire*, where he was to put things in readineſs. What were thoſe things? He had now a Commiſſion by vertue of which in *Lancaſhire*, and the other places, he was to prepare and gather Monies for that Army which he was to pay. So much Doctor *Oats* doth ſwear he heard from my Lords own mouth.

But there is one thing further which I had almoſt forgot. He doth ſwear that my Lord was privy to, and approved of, the Matter of killing of the King. For he doth ſwear he did hear my Lord ſay at that time, *He hoped before he returned, Honeſt William* (who was *Grove* that was executed for this Attempt) *would have done the buſineſs.* And what that buſineſs was every

man who hath heard of *Groves* Treason must needs understand.

There is but one thing more that I remember of Doctor *Oats* his Testimony. Your Lordships that have a better advantage to write than we, who are crowded together, may have taken Notes of more; but this one thing I do observe, Doctor *Oats* doth expresly swear, that my Lord bore a very ill mind towards his Majesty; for my Lord did in his hearing complain, *That the King had deceived them a great while, and that they would bear with him no longer, he should deceive them no more.*

My Lords, Our third Witness was Mr. *Turbervill*, who doth give you an account, that he being first sent to *Doway*, and intended to be entred there in one of the Societies, (he was sent by my Lord *Powis* and my Lady *Powis*, and some of his Relations of that Religion, for that purpose) he did not like the Company, he was not pleased with the Exercises of that Religion, and that with much difficulty he escaped thence and came for *England:* But finding he was not well look'd upon here, nor well received by his Relations, he went over to *France*. That being at *Paris* he came into the company of the three Fathers I named before, Father *Sherborn*, Father *Nelson*, and Father *Turbervill*, the last whereof he tells you was his own Brother. That by the means of these Priests he was brought acquainted with my Lord *Stafford*, and doubtless they were able to make him intimately acquainted with my Lord. And it did prove so; for he tells you, after some time, that in a lower Room of my Lords Lodging my Lord proposed to him the business of killing the King. That he did not at all like it, was very unwilling to undertake it, but my Lord bid him consider of it, and that he should give him his Answer at *Diep*, having enjoyned him secrecy; but my Lord after sent him word he would go by *Calice*; and the Witness afterwards went into *England*, and from thence into the *French* Army. And this is the substance of what *Turbervill* deposeth.

And, my Lords, I think it will not be doubted by any man that will consider these three mens Testimonies, but that here are two Witnesses, if not more, to prove my Lord Guilty of Treason.

But my Lord has been pleased against them to make several Objections; some have been by Witnesses which he hath produced to incounter the Proofs that we have offered; and some of them have been by Observations that he hath made upon what hath been said by our Witnesses and his. I will keep to Order as much as I can and not confound the Order and Method of his Defence.

The Witnesses he first brought were against *Dugdale*, and of them his Lordship was pleased to begin with his Daughter, the Lady *Marchioness* of *Wincheſter*, and his Niece Mrs. *Howard*. Your Lordships, I presume, are pleased to observe what they were called to. They did testifie, that, being at

*Wakemans*

*Wakeman's* Tryal, they did hear *Dugdale* ſwear (ſays my Lady *Marchioneſs* of *Wincheſter*) that my Lord *Stafford* was to come down into *Staffordſhire* in *June* or *July*, and Mr. *Dugdale* was then to receive Orders from my Lord, and he ſwore (as she was pleaſed to ſay) that there was a Conſult in *Auguſt* at *Tixall*, and my Lord *Stafford* was there preſent. Mrs. *Howard*, for I put them together, was pleaſed to ſay that she was preſent at that Tryal, and there *Dugdale* ſwore my Lord *Stafford* did come down in *June* or *July*, and that my Lord was at the Conſult in *Auguſt*.

My Lords, I will not make Objections neither to the Religion of theſe Ladies, nor to the Relation to my Lord, though thoſe be matters that are to be conſidered. But that which I ſhall obſerve to your Lordships, is this, That they do not agree one with another; For my Lady *Wincheſter* ſays, *Dugdale* did ſwear that my Lord was to come down in *June* or *July*, and Mrs. *Howard* ſays, that he ſwore he did come down then. Now there is a great difference betwixt ſwearing an intention that a man was to come down, and ſwearing the very Act that he did come down at that time. By which your Lordships may obſerve how hard a matter it is for Witneſſes that are preſent at a Tryal (eſpecially at a Tryal which did not directly, though it might in conſequence concern another Perſon of their Relation) to take notice exactly of things.

And truly, my Lords, theſe Ladies being of that Religion might have ſo much concern upon them for Sir *George Wakeman*, the Popiſh Phyſician, and in him for other their friends of that party, that they might not have ſo much liberty of thought as to obſerve exactly all circumſtances ſworn to by the Witneſſes, and therefore it is no great matter if they are miſtaken in them. But I believe if any one do conſult the Print (though it be no Evidence nor offer'd as ſuch) he will find no ſuch thing was at that time ſworn, for it is not ſo printed, and thoſe that took notes did not underſtand it ſo.

My Lords, The next Witneſs my Lord is pleaſed to bring is his Servant *Furneſe*; and what is it that he teſtifieth? He ſaith, that he was with my Lord the whole time that *Dugdale* was in my Lords Chamber, and he doth not remember that ever *Dugdale* was there but once, and he doth not remember that ever my Lord bid him go out of the Room.

My Lords, it is a very hard matter for a man to come thus in the Negative, to remember how often *Dugdale* was there, eſpecially there being no more occaſion to take notice of it then, than here appears to be, and that after ſo long a time. And it is a very hard matter for a Servant to gain Credit, by ſaying his Maſter never bid him go out of the Room in his life. Theſe things may be done or ſaid, and yet eſcape the memory of a Servant of more Age and of leſs inclination to favour his Maſter then this perſon appears to be of and to have. Therefore I think there will be but a very ſmall matter made of what he ſaid, no force at all in it, and I believe your Lordships will give very little regard to it, but rather believe

those Witnesses that swear positively, that they have seen him with my Lord and speak to a familiarity at that time between them. This young man *Furnese* was my Lords Servant, and of his Religion; and it is considerable whether we have not reason to be afraid that more than ordinary Practice has been used to prepare Evidence on my Lords behalf, which I shall have occasion to speak to when I come to the other Witnesses.

His next Witness, my Lords, was his Boy *George Leigh*, who is Fifteen years of Age now, and was Eight years old when he came to my Lord Seven years ago. And he attests the same thing, and to the same purpose with the other. And I think I may leave him with the same Answer, for we are nothing more concerned with him than we were with the other. Only one thing I would observe, to shew that his Memory was imperfect, he doth not remember that *Dugdale* was with my Lord at all that day, which my Lord himself doth acknowledge he was, and the other Witness agrees. So that there cannot be any great weight laid upon what he saith.

My Lords next Witness was *Thomas Sawyer*, and he is one of my Lord *Aston's* Servants, that I desire to observe of him first. And what does he say? He saith, That *Dugdale* went away for Debt. The contrary to which was apparently proved, for we, by our Witnesses, made it manifest, that *Dugdale* went away for the matter of the Plot; the fear and dread he was in upon that score: and the circumstance of his being apprehended by the Watch at Night in his Flight, and how he was put to take the Oaths, do manifestly prove this. But he says another thing, which I desire may have no weight with your Lordships, that *Dugdale* should threaten, that because my Lord *Aston* would not own him for his Servant, he would be revenged of him. Truly, if my Lord *Aston* were here to be tried, it would have some weight. But to think if it were true, that he had so sworn, that therefore he would be so wicked as to do mischief to another man, that he would be revenged of every man of that Religion, or of every man that came to my Lord *Aston's* House; That cannot be imagined. So I cannot see what great stress, my Lords, the Prisoner can lay upon it, as to the present Tryal, which concerns my Lord *Stafford*.

But, My Lords, I desire to observe, that he says further, That when *Dugdale* went away there was a discourse of a Plot; (this he helps out *Dugdale* in;) and that there was a discourse of the killing of a Justice of Peace. So that certainly it does shew, that *Dugdale* was apprehensive of the Plot. And as to that which he is pleased to say, That *Dugdale* should deny his knowledge of the Plot, and take Drink, and with Execrations forswear it; it will be no manner of Objection at all. For I shall have occasion to shew hereafter, that *Dugdale* at that time was very far from revealing the Plot, he had been so long ingaged in, he was in apprehension of the danger of his own life, and *Southall* tells

tells you how and when he revealed it, and by what inducements he was prevailed upon to do it.

The next Witneſs my Lord called was *Philips*, the Miniſter of *Tixal*; and truly all that I can accuſe him of, is, want of Memory, and that is no fault in a man, that perhaps is very ſtudious and careful in his Imployment as I hope he is. He tells you, that whereas *Dugdale* ſwore at a former Tryal, that he acquainted Mr. *Philips* with the death of a Juſtice of Peace of *Weſtminſter* on the *Munday*, that he did not acquaint him with it, that is, he does not remember it, for no man that ſwears a Negative, can ſwear more. But whether Mr. *Philips* Evidence be of any conſequence to us, we ſubmit to your Lordships conſideration; when we oppoſe to his want of Memory, two Witneſſes that ſwear he was by when this News was told; and we are told likewiſe, as a confirmation of that, by two Gentlemen of Quality, that the report of ſuch a thing was ſpread abroad all over that Country; before it was poſſible for it to come by the way of ordinary Intelligence, whether therefore what Mr. *Philips* teſtifies proceeds from any other cauſe, than want of memory in Mr. *Philips*, I muſt leave to your Lordships conſideration.

But this I would obſerve to your Lordships, that when Mr. *Philips* was asked by my Lord, whether or no *Dugdale* were a perſon likely to perjure himſelf, he could not ſay ſo: Nay, being asked of what Reputation he was of, he ſaid, by ſome, he was very well ſpoken of, by ſome but indifferently; but I do not remember, that he ſaid, he was ill ſpoken of by any. So I think Mr. *Philips* has rather advanced than prejudiced Mr. *Dugdale*'s Reputation and Credit.

My Lords, I think I may lightly paſs over the three Juſtices of Peace that were brought to give an Account of *Dugdale*'s behaviour before them, and not mention them diſtinctly, becauſe they ſwear all to the ſame purpoſe, That Mr. *Dugdale* was apprehended upon ſuſpition of the Plot, that he took the Oaths, that he was invited and urged by them to make a diſcovery of the Plot, which he then denied to have any knowledge of: For all this will be anſwered, when we come to re-mind Your Lordships of Mr. *Southall*'s Teſtimony.

His Lordship was pleaſed in the next place, to offer to prove *Dugdale* an ill Man, by endeavouring to ſuborn Witneſſes: And in the firſt place he called *Robinſon*, who teſtified a very unlikely thing, that Mr. *Dugdale* should call him in the Street, and bring him to an Houſe, and offer him Money to ſwear againſt my Lord *Stafford*; which Money he had in an Handkerchief, but did not tell him what particulars he should ſwear to: Nay, and this after he had told him he could ſwear nothing. And it does not appear, that *Dugdale* had any manner of knowledge of him, or that this Gentleman, *Robinſon* had any knowledge of my Lord *Stafford*: So that it was a very raſh and preſumptuous thing, that *Dugdale* should attempt a man that he knew not, and a very imprudent thing, that

that he should suborn a Witness, to swear against a man that the Witness to be suborned did not know. But I shall say no more of him, because I think upon the Account that has been given of him by a Noble Earl of this House, and an Honourable Member of the House of Commons, if he had said things in themselves probable, he deserves not in the least to be believed.

My Lords, next Witness upon the same Head of Subornation was one *Morral*, a poor Barber; and what says he? He testifies that Mr. *Dugdale* did offer him 50 *l.* to swear against Sir *James Symons* and some others. My Lords, whether this be probable or no, we must leave to your Lordships. We have called Witnesses that prove him a man of no Reputation, one that runs up and down the Countrey, a kind of Vagabond, and I think, (upon the Endeavours that have been proved to have been used as to others) it is no very hard matter to bring a man of his Condition to say as much as he hath done.

The next Witness is *Samuel Holt* the Blacksmith; and he tells such a Story, that if it were true, would be some Disparagement to *Dugdale*, and what is that? He says that *Dugdale* sent a Man and a Horse for him, to bring him to the *Star* in *Stafford*; and there offer'd him 40 *l.* to swear that one *Moore* carried away *Evers*. My Lords, how this Story comes in I cannot imagine, why Mr. *Dugdale* should bear any ill will to *Moore*, or what should induce him to intice this man to swear against *Moore*, or what else was in it, it doth not appear. But no matter what it is for; we prove against this man by two Witnesses, *Rawlins* and *Lander*. By the First, that he is a man of ill Reputation, very zealous to support the Plot, and cry down Mr. *Dugdale*, saying, that he was a Rogue and all they were Rogues that took part with him. And by the other Witness *Lander*, that *Holt* did make an Assault upon him, and would have killed him for being ready to appear against my Lord *Aston* at his intended Tryal. So that he is a man that has more Zeal than Honesty. Zeal in no good matter, namely to hinder the Truth from coming out against my Lord *Aston*; and therefore we have little reason to wonder: Nay, all the reason in the world to believe, that he says that which is untrue about Mr. *Dugdale*.

My Lords, There was another Witness, Mr. *Lydcott*, that said, he was a Fellow of *King's Colledge* in *Cambridge*. He has offered no proofs that he was so; and truly it is very improbable he should be so: For I hope Fellowships in the University, especially in one of the chief Colledges (as this is) are bestowed upon more deserving, and less suspitious Persons than he appears to be: A Man that owns himself the continual Companion and Secretary of one so famous in the Popish Party as my Lord *Castlemain* is: A Man that pretends he was never out of his Company; and a man that owns, that two years since, he was taking of Notes at a Tryal for this Plot, not only for his own curiosity, but for the service of his Lord, who was concerned in the Accusation. That this Man should be a Fellow of *King's Colledge*, seems strange, and till it be better proved

will

will hardly be believed; nor will he deserve any Credit. It is true, he doth acknowledge himself a Protestant, and to be of the Church of *England*, and educated as he says a Presbyterian; but when he was asked when he received the Sacrament last, I do not remember, that he gave your Lordships any Answer.

This Witness says, that he was at the Tryal of the Five Jesuites; and there *Dugdale* did swear, that he gave notice to Mr. *Philips*, and Mr. *Sambidge* of Sir *Edmundbury Godfrey's* Death: And this they would make to be a great Fault in *Dugdale*, because neither *Philips* nor *Sambidge* remember it. Now whether *Dugdale* swore true in that or no, does not depend upon *Dugdale's* own Credit alone; but you have heard other Witnesses have made it appear, that he did swear true: So that we need not say any thing more to this Witness, nor to *Gifford*, who testifies to the same purpose; because that point, as to the report of the death of the Justice of Peace is by other Witnesses clearly proved.

And as for Mr. *Sambidge*, I do not wonder much, that he should say, he did not hear it, because he could hardly hear what was said to him by the Court, or any of the Officers set near him on purpose. But, My Lords, I desire your Lordships to take notice, that he was a very angry Witness; he said, he had formerly had a Controversie with *Dugdale*, that *Dugdale* had cited him into *Litchfield* Court, and had there a Suit against him for Defamation; and he said that against *Dugdale*, which, unless better proved, must needs make *Sambidge* much suspected: He said, that *Dugdale* was the wickedest Man on Earth; but what proof he offer'd of that, or whether he did instance in any one particular, I leave it to your Lordships Memories.

My Lords, There is another Proof relating to Mr. *Dugdale*, not out of the mouth of a Witness, but out of a Paper, which I desire to give an Answer to. It was an Objection, the Prisoner at the Bar was pleased to make to *Dugdale's* Information, taken the 24. of *December* 1678. before the Justices in the Countrey, wherein he had said to this purpose; Presently after one *Howard*, Almoner to the Queen, went over, he was told by *George Hobson*, that there was a Design, *&c.* This, saith my Lord, is most impossible to be true: For you say, that immediately after the Almoner was gone away, *Hobson* told you this, whereas *Hobson* went away with the Almoner; and he came not to live with my Lord *Aston* till many years afterwards.

This my Lord is pleased to offer as a falsification of *Dugdale's* Testimony; but, my Lords, I do desire to observe that this is an Information taken before two Justices of Peace in the Country; and if you look upon it, you will see it was written by a Country Clerk, and not very skilfully done. 'Tis rather short Notes of an Examination, than a compleat Examination. And your Lordships will please likewise to observe, that this is not really an Expression that is clear one way or th'other, but capable of two Senses, that is to say, either it may import *Hobson* told him there was a Design ever since the Almoner *Howard* went away;

away; or it may import *Hobſon* told him preſently after the Almoner went away that there was a Deſign. Read but the words with a different Comma, and it makes the Senſe one way or t'other. Now it is plain *Dugdale* could not intend that *Hobſon* told him ſo as ſoon as the Almoner went away, becauſe *Hobſon* went away with the Almoner. And it was better to his purpoſe, that *Hobſon* should tell him ſo after his return than before, for that shews the Deſign had been long a carrying on.

Therefore it being a doubtful Expreſſion that may refer either to the Time he told it to him, or to the Matter he told him of, and being taken in the latter Senſe, the Objection faileth: I think this Matter can have no weight at all in it to falſifie a poſitive Teſtimony.

My Lords, the next Witneſs we did call, and which was objected againſt by my Lord was Dr. *Oats*; and truly I muſt obſerve, that his Lordship was not pleaſed to call any one Witneſs materially to falſifie Dr. *Oats* his Teſtimony; and I muſt likewiſe obſerve, that Dr. *Oats* is in the material part of his Evidence ſupported by other Evidence.

When Dr. *Oats* gave Evidence at former Tryals, it was the common Diſcourſe of the men of that Religion, that Dr. *Oats* had never been in *Spain*, nor had ever any Credit with the Prieſts or Jeſuits, but was a mean contemptible perſon, and that all he ſaid was improbable. But now your Lordships have heard that Dr. *Oats*, even by the Teſtimony of *Dennis* a Popish Prieſt (that is ſo to this day) was in *Spain*, was according to what he ſaith, brought up in the Colledge of the Jeſuits, that he was in ſuch eſteem there, that the Archbiſhop of *Tuam* commended him very much in the preſence of *Dennis*, and ſpoke of what expectation there was of him. So that *Dennis* the Prieſt doth ſupport Dr. *Oats* in ſome parts of his Evidence. I do not ſpeak of that part of it which concerns this particular Lord, but of his Teſtimony touching the general Plot.

There is another thing wherein Dr. *Oats* is ſupported by another Witneſs, and that is the Eſteem and Intimacy he had with the Jeſuits. For Mr. *Jeniſon* ſwears, that Dr. *Oats* was a man in eſteem among them, that he was at *Ireland*'s Chamber, and had diſcourſe with *Ireland*, and did appear to be frequently imployed by them. And I take theſe two Witneſſes to be a great ſupport to Dr. *Oats*, as to the General Matters which he evidenceth of the Plot.

What now doth my Lord object againſt Dr. *Oats*? He call'd no Witneſſes againſt him, but only an Honourable Earl of this Houſe, I think I may name him, the Earl of *Berkely*: And that which his Lordship was pleaſed to teſtifie againſt him was,

*Object.* That being examined at the Houſe of Lords after he had given a long Evidence againſt many perſons, he was asked this Queſtion, whether there were

were any more Persons of Quality he could speak against, or could accuse, and he said no.

*Answ.* First, your Lordships will be pleased to observe, that this was after he had accused my Lord *Stafford*, my Lord was secured in the *Tower* long before that upon Dr. *Oats* his Testimony, and so he could not exclude this Lord. But that which it is brought for (I suppose) is to make him a person of no Credit; For after he had said this, he proceeded to an Accusation of the Queen. My Lords, I humbly conceive this may receive a very fair Answer. For,

First, my Lords, I appeal to your Lordships Memories (for, I think, the Matter was before you all, or at leastwise before some of your Lordships) that the Accusation which Dr. *Oats* made of the Queen was not positive, nor of his own certain knowledge, but Words which he heard spoken in a Room in which he was not himself, but coming in afterwards, he saw the Queen was there. So it was not positive, but circumstantial proof, and questionable whether what he testified would amount to the proof of one Witness.

And I must observe in the second place, it might not be so clear to Dr. *Oats*, whether the Queen were a Person capable of an Accusation, so as to be proceeded criminally against, the King and the Queen are to some purposes but one Person in Law. 'Tis true, some Queens have been tryed for Treason; but whether Dr. *Oats* understood that She might be brought to a Tryal may be a Question.

But, that which I rely upon as an Answer, and which I desire may be considered, is, that Dr. *Oats* had given an Accompt of a great many persons, and a great many things he had sworn against several persons, some of which were executed, some to be tryed, and his *Narrative* against them, and of the whole Plot consisted of a great number of particulars. Here is a Question comes to the Doctor on a sudden, *Have you any more to say, or can you speak against any other?* 'Tis possible a man that had said so much, and of so many, might not upon an instant recollect whether he had said all, or against all that he could say: Nay, 'tis easily to be imagined he could not on a sudden comprehend all he had said or could say. Therefore that the Answer of a man to such a Question put suddenly to him, having so much in his mind, and having said so much, should be taken so very strictly, and to hold him as perjured, because he did not at that instant time remember this particular of the Queen, I think is a severe Construction.

His Lordship is pleased further to object against Dr. *Oats*, that he is of no Credit; why? Because he went to be of the *Romish* Religion, and so was of that Religion which is Idolatry: I suppose his Lordship will not call that Religion Idolatry at another time, and in another place; but it serves his Lordship upon this particular Occasion, to call it so; but suppose Doctor *Oats* did, out of Levity, or for want of being well grounded in his own, turn to another Religion,

he is not the first man that hath done so: There have been Men of great Fame in our Church, and of great Learning too, that have changed their Religion more than once. I think he that knew that Famous Man Mr. *Chillingworth*, could not but know he was first a Protestant, and afterwards a Papist, and afterwards a Protestant again: So that unless my Lord could accuse the Doctor of some great Crime, or Immorality, it will be hard, that the matter of changing his Religion, should hurt his Testimony. I am sure, it was happy for us he did change; without that, we had not had the first knowledge of the Plot, nor of many particulars which he could not come to know but by occasion of that Change.

My Lord was pleased to object, that the Doctor was a man subject to Passion; and he brought in the Lieutenant of the *Tower*, to speak of some hot Words that passed between them. My Lords, I will allow the Doctor to be a Man of Passion: Nay, if my Lord please, a Man that is not of the deepest reach; but your Lordships will observe, that Passionate Men are not often malicious; and that a Man who is not of a deep Judgment, could never have contrived and invented a Narrative consisting of so many particulars, and they so coherent, if they were false: And if his Narrative be not true, he must be indued with more Subtilty and wicked Policy, than upon Tryal we can find in him: So that what my Lord hath objected as to his Infirmities, is no diminution to the truth of what he says, but rather a Confirmation of it.

My Lords, The last Witness whom my Lord endeavoured to impeach is Mr. *Turbervill*; and against him my Lord thinks he hath a great advantage: But, my Lords, by that time I have re-minded your Lordships of what hath been already said, and what was before proved in Answer to my Lord's Objections against him, Mr. *Turbervill* will stand as clear in this Court, as any of the former Witnesses.

Your Lordships will be pleased to take Notice, That Mr. *Turbervill* was at the beginning, when he came to the House of Commons, a little uncertain, as to matter of Time: For when he had made in his Affidavit, the times to be (73) and (76) he craved leave to alter it to (72) and (75.) Surely, my Lords, this will be far from being any Imputation to Mr. *Turbervill*; because, First, he gives the Reason how he came afterwards to understand the Time bettter, by viewing his Papers and Letters; he likewise gives you an Account, and so did Sir *William Poultney*, when he did this, the next Morning, before any Man in the World had questioned him upon it: So that it shews the Man's Care and Conscience both, when he is so careful, even in matters of the smallest Moment to set things right.

There is no Man that knows the Practice of the Court of *Chancery*, but knows, that for a Man to mend his Answer after it is sworn in a point of Time, or other Circumstance, is no disparagement to him: Nay, to do it before the other

other Party did except or take notice of it, is no Objection, but rather a Reputation to him: And your Lordships will be pleased to take notice, that one of the times rectified, is of 7 or 8 years, the other of 4 years standing. And I do not think the worse of a Witness that is not positive, in a time, when that time is so far elapsed.

The next matter is, That this man was never with my Lord; how was that proved, for 'tis a Negative? Why, my Lord is pleased to call his own Servants, *Furnese* and the Boy *Leigh*, and what say they? they never saw any such man. My Lords, I desire your Lordships to observe, That Mr. *Turbervill* was introduced by greater Confidents than either of these Servants. Mr. *Turbervill* came in the company of the Priests, and you hear the Boy deny that he knew *Anthony Turbervill*, but not that he knew Father *Turbervill*, nor doth my Lord himself deny it, nor doth either Master or Man deny my Lords correspondency with the other two Fathers. And it might be very easie for Mr. *Turbervill* to come in the company of the Priests, and the Boy not take particular notice of him. And 'tis as little an Objection what my Lord says, that *Turbervill* himself said he did not know the Boy; how many are there that come to the Houses of another; and unless they Lodge there or dine there often, do not remember the Servants of the House: And 'tis no greater an Objection, to say, the Servants did not know him: The Priests they knew him; they were his Guides; they were the likeliest to gain him Admittance, not only into my Lord's House, but into my Lord's Heart.

My Lords, Your Lordships will be pleased likewise to observe, They have also gone about in very little matters, to disprove Mr. *Turbervill*, as that whereas he says, he was not well used by my Lord *Powis* and his Lady, when he returned from *Doway*; that he was very well used; and as one Witness (I think *Minhead*) says, he was permitted to lie in a Room near my Lord's Chamber. My Lords, Mr. *Turbervill* does not pretend to say, that my Lord *Powis* shut him out of doors; but what Reproaches or unkind Words might pass between them in private, *Minhead* might not hear: So that to say, that he lay in my Lord's House, is no Answer to this Matter. And for the other Witness (his Brother) that speaks of his Kindreds being kind to him, that, under favour, does not at all disprove him; for, what was the kindness? His Brother and Sister were so kind as to give him Seven Pounds never to see him more; a great matter when a younger Brother lies upon a Family, that the trouble of his stay there is redeemed at the price of Seven Pound. This was a very great kindness, a kindness indeed that one would scarce deny to a Stranger, if in Poverty. I mention the least matters I can remember, because I would have nothing stick with your Lordships.

Then Secretary *Lydcott* (the Fellow of *Kings Colledge*) was called again; but indeed, my Lords, he was so out in his Arithmetick, so mistaken in the

Year; and used the New Stile (the *Romish*) so much more than ours, that it makes me suspect he is not so great a Protestant as he pretends to be. He promised us his Book, which he was not then prepared to produce; but because we do not hear of him, nor of his Book since, we say no more of him.

My Lords, *John Porter* my Lord *Powis*'s Butler comes next, and what does he tell your Lordships? Why, that Mr. *Turbervill* came not to *Powis*'s House (it seems he did not appear there) but that he came to a Victualling House hard by; and he telling *Turbervill* he must know something of the Plot, he denied that he knew any thing. To the same purpose, or rather to less, and more improbably, does *Talden* (the Gentleman of *Grays Inn*, as he calls himself) testifie, who says, that walking in *Grays Inn* Walks, he had discourse with *Turbervill*; and that he then swore, there was no Trade good now but that of a Discoverer; and damned himself because he could make no Discovery. Truly, my Lords, this looks in it self to be something prepared for the purpose: It is not probable, that a Man that should use those horrid Oaths, and should have such a mind to be a Discoverer, should disable himself ever to be so by swearing he knew nothing.

But I will not only answer that matter, with saying 'tis improbable; but I shall desire Your Lordships to remember, that Mr. *Powel*, a Gentleman of the same House, and of good Reputation, does swear, that *Turbervill* did acquaint him, that he could discover a considerable matter; and this was above a year since. And Mr. *Arnold*, a Member of the House of Commons does confirm it, that he did several times acquaint him, that he could make an important Discovery; and gave him several reasons, why he thought not fit to do at that time, because of the Dangers which might arise from some Great Men; and therefore till he had a more convenient Opportunity, he would not discover. But as soon as the Parliament sate, very early he did begin to discover: So that I shall oppose the Testimony of Mr. *Powel* and Mr. *Arnold*, to the Testimony of my Lord *Powis*'s Butler, and Mr. *Talden*; the latter of whom, speaks so improbably, and of a Discourse half a year ago; whereas Mr. *Powel* speaks of what Mr. *Turbervill* said above a year since, and Mr. *Arnold* of a longer time.

My Lords, It hath been sometimes objected, that Mr. *Turbervill* was a Stranger to my Lord; and it was too great a Trust to commit to a Stranger; too great a Secret for a Stranger to be acquainted with: My Lord's design of the King's Death was too great a matter to lodge with one, with whom my Lord had no more Acquaintance than he had with *Turbervill*.

Your Lordships will be pleased to observe who they were that did introduce him, and who probably gave the best Character of him: they were the three Priests; and I do not wonder when these Priests had brought my Lord up to such a purpose, that they should prevail with his Lordship to give Credit

to,

to, and deal with a Man that was not very unlike in his Circumſtances to attempt ſuch a buſineſs; For your Lordships will obſerve, he was a man that was very ſtout; for againſt my Lord's reflection upon him as to Cowardiſe in deſerting the Army, Mr. *Turbervill* hath produced the Certificate of his diſmiſſion, which gives him a very good Character. Beſides, he was a man indigent, and therefore I think there could not be a fitter man choſen for the purpoſe, if he had been ſo void of all Grace as to undertake it. And that Prieſts having gotten a man ſo qualified, as they thought him, were not likely to let ſlip ſuch an opportunity.

But, My Lords, to come to that which is the ſum of the buſineſs, and which my Lord lays more weight on than all the reſt; and that is the Affidavit which Mr. *Turbervill* ſwore before the Juſtices of the Peace (which was in effect what he informed the Houſe of Commons) and in that Affidavit, beſides his alteration of Times (which I have ſpoken to already) it is objected that he does ſay that which is manifeſtly untrue: For he ſays my Lord came by the way of *Calice* with Count *Gramont*, neither of which my Lord did do.

My Lords, I will not mention the Maſter of the Yacht, nor the Witneſſes from the Admiralty which make out that my Lord came from *Diep*, and not from *Calice*. Nor do I deny that my Lord came by himſelf, and not with Count *Gramont*, and therefore 'tis moſt certainly true, that what *Turbervill* ſwore, as to thoſe two particulars, was not true. Yet if your Lordships pleaſe to obſerve the Circumſtances, tho' what he ſwore herein was not true, it will appear a very innocent miſtake.

For in *Turbervill's* Affidavit he tells your Lordships, that he came away without my Lord to *Diep*, and came from *Diep* to *England* before my Lord *Stafford* left *Paris*. Mr. *Turbervill* tells you, afterwards my Lord came from *Calice* with Count *Gramont*; Mr. *Turbervill* could not poſſibly be thought to ſpeak this of his own knowledge, becauſe he does in the ſame Affidavit tell you too, that he came away before my Lord, and had not his paſſage with him. So that, my Lords, I deſire you would obſerve, it could be no deſign of his to affirm this of his own knowledge: For if it were, he took a very ill courſe to diſcloſe in the ſame Affidavit that he was abſent, and ſo could not ſpeak of his own knowledge. And, my Lords, ſuppoſe a man did ſwear ſuch a man and he were in ſuch company, and that he came home and left the man there, and that afterwards the man ſaid ſuch and ſuch things in that company, what ſhould I ſay of this Oath? I might well ſay the words of his Oath were not proper, or that he was unwary in expreſſing himſelf; but I could not ſay, nor would any man juſtly be able to ſay he had a deſign to make the World believe he heard him ſay ſo, becauſe he ſwears in the ſame breath he came away before the Words were ſpoken. If Mr. *Turbervill* had underſtood how ſtrict and nice a man ought to be in expreſſing himſelf in an Affidavit, he would have ſaid (as he had

had been told) my Lord came by *Calice*, and that Count *Gramont* came with him, as he understood. 'Tis true he hath not put in those words, but I beseech you, when the matter it self will bear it, nay, when 'tis most apparent that Mr. *Turbervill* could have no other meaning than to relate what he was informed by others, and what he could not know himself, what corruption, what obliquity can there be in this Oath? All that can be said is, it was not cautiously worded; but it does certainly disclose so much in it self, that every one that hears it must say, That he did not take upon himself to swear it as of his own knowledge, because he tells you he was not there, so that it was rather want of knowledge how to express himself properly, than any corruption in his Oath, or forswearing himself.

But says my Lord, how should he come to know this? Why Mr. *Turbervill* said he had a Letter whereby he knew my Lord would come by the way of *Calice*, but where is that Letter? Is it necessary to keep, or does any man almost keep Letters of no greater concernment than this, that my Lord writ him word how he would go by the way of *Calice*, and this after five years, and after he was in the Wars, and where I have heard he was taken Prisoner. To be sure he was much tumbled up and down from place to place. And under all these Circumstances might not such a Letter be lost? But, my Lords, I beseech you, are there not some Proofs that look much this way, made out by another Witness? Does not Mr. *Mort* tell you something of this Nature? First he agrees as to the matter of an *English* Lord lying about such a Street in *Paris*, he tells you he was with Mr. *Turbervill*, and that he himself walked about *Luxenburgh* House whilst Mr. *Turbervill* went to speak with that *English* Lord: he does say he believes his Name was my Lord *Stafford*, but he is not positive; and the times which he speaks of do agree with what Mr. *Turbervill* deposeth. And there is one thing, which tho' I should not mention upon any other occasion, because it was but a foolish Joke, yet I shall crave leave to speak of it now. He tells you, That one day, while they were at *Diep* in expectation of my Lords coming, and hearing that he went another way, they had this piece of minute Wit upon it, *Cursed is he that relies upon a broken Staff*: whereby he thinks was meant the Name of *Stafford*. So then, I beseech you, if *Mort* say true, are not here footsteps, and a foundation whereon to ground a belief, That there was a Correspondence between *Turbervill* and my Lord, and that Mr. *Turbervill* had an Information that my Lord would come by the way of *Calice*. And one thing more *Mort* says, that *Turbervill* told him, if he would make haste to *Calice*, he might go over with my Lord. And here I would observe, how should Mr. *Turbervill* come to know that my Lord went that way? and how should he tell *Mort* that he might go over with my Lord from *Calice*, unless he had receiv'd some such Information? Therefore, my Lords, taking into Consideration what is con-

confirmed by *Mort*, and taking into Consideration the whole scope of the Affidavit, I cannot see that there can be any material Objection against Mr. *Turbervill* for saying, That my Lord came by *Calice* in the Company of Count *Gramont*.

My Lords, I have done now with the Witnesses, and I told you as I went along (because I would not trouble you with a double Repetition) what Evidence we have given in contradiction to those Witnesses which my Lord hath brought in order to defame our Witnesses.

But, my Lords, I am to acquaint you, That besides these particular Answers, your Lordships have had men of very great Credit brought to testifie the Reputation of Mr. *Dugdale* and Mr. *Turbervill*. As to Mr. *Dugdale* we have brought men that have known him a great while; one hath sworn what Opinion even my Lord *Aston* himself had of him: for it seems he lived with so much Credit there, that he would not believe any ill of him. You have heard from other Witnesses how he did behave himself. It was objected sometimes Tradesmen were not paid; but what then, can a man pay without Money? I believe there are some Lords here, whose Stewards are very honest men, and yet the Tradesmen such Lords deal with, are not always readily paid.

He was, as you observe, believed to be in the Plot, and my Lord's Servants say he seemed much troubled about it, he went away upon that Account, and was so much concerned, that he burnt his Papers, which I make use of for two Purposes, The one to shew that he did apprehend he was in great danger; the other to shew what was the Reason why the Letters and Papers he speaks of are not now produced, because he looked upon himself, and them who were then his Friends, to be in such danger by them, that he burnt them.

My Lords, I know your Lordships will take notice that there hath been a very good Account given you, how it was that *Dugdale* came to be prevailed upon to make a Discovery of the Plot, it was with great difficulty; there were indeed persuasions used by some of his Friends to bring him to it. The Justices, as they themselves have sworn, endeavoured the same thing, but all without success. Then the Coroner Mr. *Southall* (who tho' he was no great, yet seems to be a very understanding man) takes him in hand, and he had the good Fortune to succeed. I call it Good, not only for Mr. *Dugdale*, but for the Nation. I shall not trouble your Lordships with the particulars of the Arguments Mr. *Southall* used to him, but 'tis plain (if you believe Mr. *Southall*, whose Credit is now supported by an Honourable Lord, and by a Member of the House of Commons) that *Dugdale* did at the first time that he did make a Discovery, depose as much in substance against this Lord, as now he does. And from thence I desire to make one Observation, and that is this:

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'Twas impoſſible it could be a Contrivance among the Witneſſes themſelves to depoſe the ſame Crimes againſt this Lord; for Doctor *Oats* never knew Mr. *Dugdale* till *Dugdale* was brought up, which was long after Doctor *Oats* his Accuſation of this Lord; nor could *Dugdale* know what Evidence *Oats* had given here, for *Dugdale* was a cloſe Priſoner in *Stafford* Gaol before *Oats* accuſed this Lord, and long after. And yet the firſt Evidence *Dugdale* gives againſt this Lord doth in ſubſtance concur with that given by Doctor *Oats*. So that ſince there could be no Intercourſe nor Conference between them, but as much diſtance as from the Priſon Doors in *Stafford* to *London*, there could be no Contrivance between them for both of them to accuſe this Lord of the ſame Matters. And this I deſire may be looked upon by your Lordships as a Matter of great Weight to ſupport the Credit of the whole Evidence. And *Dugdale* does ſeem to be a perſon of an unqueſtionable Credit, and every one that hears him muſt obſerve, he does give his Evidence with great Modeſty, and all probability of Truth.

There is another thing, my Lords, that I would pray your Lordships to obſerve; Theſe Witneſſes, Mr. *Dugdale* and Doctor *Oats*, do give ſuch an Evidence as is impoſſible to be given, unleſs it were true; for other Witneſſes when they are put out of the Road, and asked Queſtions they did not expect, are commonly to ſeek, and muſt pump for an Anſwer, and then anſwer with great difficulty and wareneſs. But theſe two Witneſſes do not only anſwer with readineſs when you ask them any Queſtions, but what is contained in every new Anſwer doth add a further probability and confirmation to what they ſaid before. And I muſt needs ſay of them, I think it were impoſſible for any men in the World to contrive a Story of ſo many particulars, and ſo conſiſtent in every part of it, and yet the ſame ſhould be falſe; and, which is more, after ſo many Tryals, not one material Circumſtance of what they ſay contradicted by any ſolid proof.

My Lords, There may be other particulars which I may have forgotten, I know not whether I obſerved that my Lord objected that we do not prove him a Papiſt, I hinted ſomething before about his coming to Maſs to my Lord *Aſton's* at *Tixal*, which is one ſort of proof of his being of the *Romiſh* Religion. Beſides his perpetual Converſation with that Party, and his Endeavours to promote their Religion and Deſigns, all which have been fully proved: I think alſo my Lord deſerted the *Houſe of Peers*, for that he would not take the Teſt appointed by the late Act, your Lordships beſt know whether he did ſo or no. But, my Lords, let him if he will be a Proteſtant, for this time, let that be ſuppoſed: If he were a Proteſtant, and ſhould be guilty of the Offences proved upon him, he would not deſerve the more Favour from your Lordships.

My Lord hath been likewiſe pleaſed in further proof of his Innocency to alledge

alledge that after the Plot was discovered, he had seven Posts time to have escaped, and yet never fled. My Lords, 'Tis true, he might have fled, so might *Coleman* too, that *Coleman* that left so fatal an Evidence against himself and all his Party under his own hand, and for that had reason to believe himself very Guilty, and so might the Jesuits have escaped too, but that they had hopes the Oath of Secresie and the means they had used to conceal their damnable Designs would have been a sufficient Security against revealing it. They had that opinion of their Priests, and of the Fidelity and Constancy of those that had been seduced by them, and recommended by them, that they apprehended nothing less than a Discovery. And those other persons that were executed did all stay about the Town after the Plot was discovered, as well as this Lord staid in the Countrey.

My Lord did very much complain, That our Witnesses were not positive in point of Time, I think *Dugdale* was positive enough as to the time of the Offer of 500 *l.* but for other matters he would not confine himself to a Month, he talked of the latter end of one Month, and the beginning of another, I think he is the more to be believed; for I conceive unless a Witness hath some notorious Circumstance in his memory to satisfie him about the certainty of the time (such as was that of the Foot-race as to the time of the Offer of 500 *l.*) it is rather a mark of presumption than of sincerity for a Witness to be too positive as to the time. And is there so great a distance between the latter end of one Month, and the beginning of another, that a Witness need to be positive as to the very day? but says my Lord, you talk of the beginning, it was the 12*th.* of *September* ere I came thither; Does not every man count that till the middle of a Month, 'tis the beginning of a Month sure, in common speech it is so. Therefore I look upon that as a matter scarce worth the mentioning, I am sure not worth the serious Answering.

But, my Lords, I must observe thus much, That what my Lord complains of as a fault in our Witnesses, his own Witnesses are guilty of. For I appeal to your Lordships, when they came to speak of Times, whether they did not talk at the distance of a Month, or Months, and sometimes of Years, and less certain in point of Time than ours.

But, says my Lord, (for I am still answering his Objections, and you must take them as I find them) here is mention made by Dr. *Oats* of Letters, of many Letters, shew me some of those Letters? shew me the Letter you carried to the Post-house? My Lords, were those Letters written to Dr. *Oats*? Did they belong to him? Or is it possible that my Lords Letter delivered by the Doctor to the Post-house, should now be shewn by the Doctor, or that the Letters writ to the Superior of the Society of the Jesuits should be produced by one that was a Novice of that Society? Does Dr. *Oats* talk of any one Letter written to himself? You will then, I suppose, see no reason to expect those

Letters should be produced by him that were not written to him, and the custody whereof belonged to others.

My Lords, I must observe to You, that there have been great Endeavours used to Invalidate our Testimony, we have had Witnesses called against Witnesses, and my Lord hath had that Advantage to do it, which perhaps was never given in any Case before, and which I hope will never be again. The Evidence hath been Printed and Published to the World before it hath been given. I say not that it was not necessary in this Case, which was a National Cause, and the Cause of our Religion; but I do say it would not be fit to be done in other Cases, for the notifying of the Evidence is the way to have it falsified and corrupted.

But notwithstanding all these Advantages, my Lords, I appeal to your Lordships Memories what considerable contradiction hath been given. It is true some Witnesses to that end have been brought before your Lordships, but those Witnesses have been rendred incredible, by more credible persons; and I would desire your Lordships to observe, That tho' my Lord hath failed of proving any Subornation in our Witnesses, yet we have proved much Subornation endeavoured by his Agents.

Your Lordships have the Record against *Redding* before you, and what Reference that hath to the Lords in the *Tower*, every one does remember, and my Lord is mentioned in that Record. And I might likewise mention the business of *Cellier*, and what therein related to the Lords in the *Tower*, and I'le name but two Witnesses more that have been attempted upon this Nature: There was *Wright* the Barber, all the Applications were made to him that could be, Money given, Letters writ, Insinuations that he was not to Swear, he was but to Write, and that was easily done: or if he would be so kind to Swear it, he should never come into open Court, only go before a Justice of Peace. So that your Lordships will observe by what steps and degrees men were endeavoured to be Suborned. And then *Launder* tells you what was offered to him to perjure himself, how he was brought to *Tixall*, and what endeavours were used to make him Swear against our Witnesses.

These things are plain, both by Records and particular Proofs upon Oath. But, my Lords, lest we should want proof of all, This very Lord (I pity him for it) hath been so unfortunate as to bring that Paper out of his Pocket, which *Wright* says he had money to frame, and was to Swear to. It seems my Lord had the Command of it, it seems to have been prepared for such a good time as This, and the producing of this Paper is as full a Confirmation of this point as can in reason be expected.

My Lords, I have been I fear too long already, and yet I fear, I have omitted as many particulars as I have mentioned.

My Lords, The Evidence is so strong, that I think it admits of no doubt, and

and the Offences proved againſt my Lord and the reſt of his Party are ſo foul that they need no aggravation. The Offences are againſt the King, againſt His Sacred Life, againſt the Proteſtant Religion, nay againſt all Proteſtants, for it was for the Extirpation of all Proteſtants out of theſe Three Nations. I mean not of every one that is now ſo, but of every one that would have continued ſo, every one amongſt us (if theſe Deſigns had been accomplished) muſt either have turned his Religion, or turned out of his Countrey, or have been burned in it.

'Tis a Deſign that appears with ſo dreadful a Countenance to Your Lordships, to this great Aſſembly, and to the whole Nation, that it needs not any words I can uſe to make you apprehend it. If the matter be fully proved (as I ſee no reaſon to doubt but that it is) I am ſure your Lordships will do that Juſtice to Your King and Countrey as to give Judgment againſt theſe Offenders, which will not only be a Security to us againſt them, but a Terror to all others againſt comitting the like Offences.

*L. Stafford.* I beg of your Lordships to know whether you will give me leave to ſpeak a word. And my Lords, I ſhall not ſpeak any thing but as to a miſtake, Sir *Will. Jones* hath made in two or three things. Pray, my Lords, may I put you in mind of them?

Sir *William Jones.* If there be any miſtake pray tell us what it is?

L. *Stafford.* Firſt, My Lords, he did omit telling you that Mr. *Turbervill's* Brother did ſay he came in (71) to my Lord *Powis's*. Secondly, He ſays I have proved my ſelf a Papiſt becauſe I have not taken the Teſt. My Lords, the Teſt was ſince I was in the *Tower*, and whether I will take it or not, I do not yet know till it be offered me. The Third is this, That this Letter was in my Pocket which I produced to you, my Lords, I knew nothing what was in it, it was given into my hand as I ſtood here at the Bar. Fourthly, He ſaid *Hobſon* did go out of *England* with the Almoner, he did not ſo. Another thing he ſays, that I ſaid *Oats* was an infamous perſon becauſe he went to a Church that I ſaid was Idolatrous, I only ſaid it was ſo adjudged by Act of Parliament. I find, my Lords, theſe things he is miſtaken in, and that, my Lords, made me very willing to put You in mind of them.

L. *H. Steward.* Gentlemen, I would ask you whether you take any Notice of the Points in Law?

Sir *Fran. Winn.* After the Fact is ſtated, my Lords, we ſhall.

*Then* Mr. Powle, *alſo one of the Committee appointed to manage the Evidence, proceeded further in Summing up of the ſame.*

Mr. *Powle.* My Lords, the Learned Perſon that ſpake laſt, hath left very little for me to ſay in the Summing of this Evidence; But becauſe this Noble

Lord hath been pleaſed to alledge ſeveral Reaſons, from whence he would infer at leaſt a great improbability that he ſhould be guilty of the Treaſons whereof he ſtands Accuſed, I ſhall crave your Lordships patience, that I may give Three or Four words in anſwer to thoſe particulars.

My Lords, In the firſt place this Noble Lord was pleaſed to begin, and afterwards to continue his Defence with making proteſtations of his own Innocency; We very well know your Lordships ſit now in the Seat of Juſtice, and whatſoever credit or regard your Lordships pleaſe to give to the Proteſtations of a Peer in another Caſe, your Lordships will proceed here only according to your Proofs and your Evidence (*ſecundum allegata & probata*) and therefore all we ſhall ſay to this, is, that we hope our Proofs are ſo clear and evident, as will leave no room to your Lordships to believe this Noble Lords Proteſtations.

In the next place, my Lord is pleaſed to alledge, and withal to lay ſome weight upon it, the voluntary ſurrendring of himſelf to Juſtice, and he laid it down as a Rule, that as Flight is an argument of Guilt, ſo the Surrendring of a mans ſelf to the Trial of the Law, is an argument of Innocency.

My Lords, We admit the Rule generally to be true; but in ſome particular Caſes it may be otherwiſe; for a Man that is not very confident of his own Innocency, may yet be very confident of the ſtrength of his Party; and whether the conſideration of the circumſtances of Affairs, as they then ſtood, and the power and prevalency of the Popiſh party at that time, might not reaſonably create ſuch a confidence in this Noble Lord, we muſt leave to your Lordships Judgment.

My Lords, We do conceive that thoſe Perſons who contrived Sir *Edmundbury Godfrey*'s Murder, had ſo great Confidence in the favour and protection of ſome of their Party, that they thought themſelves able to out-face Juſtice.

And we verily believe, they intended it as an example to deter all Men from medling ſo much as with the taking an Examination concerning this Horrid Plot.

My Lords, I deſire to be underſtood aright in this, I lay nothing of the Death of Sir *Edmundbury Godfrey* to the Charge of this Noble Lord, I only uſe it as an Argument of the preſumption of the Popiſh party at that time.

My Lords, In the next place, my Lord *Stafford* did obſerve from my Lord *Coke*, that in the Tryals of Treaſons we ought very much to guide our Judgments by the Nature and Circumſtances of the Fact (the Concomitants and ſubſequents, as he termed them) with Reference to the Perſon accuſed, whether they were likely to induce or deter him from ſuch an Attempt, and here he was pleaſed to raiſe ſome Arguments from the whole courſe of his Life, and did deſire your Lordships to conſider thoſe Circumſtances therein that might

might make it improbable or impoſſible, that he should commit a Treaſon of this Nature.

He deſired alſo your Lordships to remember that he was deſcended from an Honourabe Family, and that his Anceſtors were very worthy and very deſerving Perſons, and ſuch as had often ventured their Lives in defence of their Country; And here he did likewiſe mention his own Services to the laſt King, and our preſent Soveraign, in the late Wars.

It is not my part, nor will I derogate any thing from the Merits of this Noble Lord, much leſs from the Honour of his Family; but in Anſwer to this we shall deſire your Lordships to conſider, that this Noble Lord (however he is pleaſed to diſown it at preſent) is notoriouſly known to be a Roman Catholick (as they call themſelves) and ſuch we conceive we have ſufficiently proved him to be, in the courſe of our Evidence: And as there is nothing in the World ſo much as a miſguided Conſcience that can ingage the beſt of Men into the worſt of Actions, ſo we think the Principles of that Religion are ſuch, as are more likely to pervert Men from their Duty and Allegiance, than any other Religion or Perſwaſion whatſoever.

And if the Zeal of this Noble Lord did engage him to endeavour the eſtablishment of that Religion in this Kingdom, we may eaſily believe that his Reaſon did ſuggeſt to him, the means by which it muſt be effected, which could be no other but Blood and Confuſion.

My Lords, The laſt thing I shall take notice of, is, what my Lord *Stafford* was pleaſed to ſay in General as to the Doctrine of Killing and Depoſing Princes, which his Lordship was pleaſed to call a private Opinion, and not the Doctrine of the Church of *Rome*.

But by the way, my Lords, give me leave to obſerve, that this Noble Lord did upon this occaſion fully own (and I much commend his Ingenuity in it) the reality of the Gun Powder Treaſon, ſince we know, how much that Party have endeavoured to render it Incredible; and as length of time hath ſo fully manifeſted the particulars of that Execrable Deſign, that it hath brought ſuch as are of that Perſwaſion to confeſs the truth of it; ſo, we hope, this days Tryal will convince both the Age we live in, and all Poſterity of the Truth and Reality of this preſent Conſpiracy. But to go on with that Point from which I did digreſs, I am not I confeſs much verſed in the Canons and Councils of the Church of *Rome*, but, my Lords, this I know, the moſt famous and celebrated Writers of that Church, eſpecially of the Society of the Jeſuits, have publickly avowed and maintained this Doctrine; And we know in all times, when there hath been occaſion to put it in practice, it hath never failed to have been attempted; and we likewiſe know that the Church of *Rome* and the Pope have always

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always avowed the Acts when they have been done: From all which we might very reasonably conclude, that it is the Doctrine of that Church so to do.

But, my Lord is pleased to say, and admit for Truth, That a great many private Writers do hold the contrary, I believe it to be so, but I do also believe, that it is the Policy and Artifice of the Church of *Rome*, to leave this Point of Doctrine in some measure undetermined, that so they may make use of it as the occasion serves; For if it succeeds, then it is owned and justified, if it miscarry, then the Doctrine is but a private Opinion, and the Plot but the Practice of particular Persons that are either desperate or discontented. And I am fully of Opinion, that This Horrid Conspiracy which is brought this day in Judgment before your Lordships, wants nothing but Success to canonize it.

My Lords, As to what concerns the Evidence, it hath been so fully stated to You, and the Objections that were raised to invalidate it, so well answered, that I will not trouble your Lordships with any Repitition of what hath been said already: All we have further to desire, is, That your Lordships will please to take our Evidence into your Consideration, and to do thereupon what shall be agreeable to Justice.

Mr. Serj. *Maynard.* My Lords, as to Matter of Fact I shall say nothing but only this (and I wish it may be spoken with Gratitude to Almighty God,) that the Discovery of this Plot is rather the Work of God than Man. It was first his Act in prevailing upon *Oats* to make the Discovery; and when he stood single almost, what came to support his Credit but the Letters of *Coleman*, which were like a Tally to what *Oats* had said, for what *Oats* informs is in a great part made good by his Letters. Then when *Godfrey* was murther'd, how came that Discovery out, but by the voluntary Confession of one engaged in the whole Plot, I mean *Bedloe*? So that though these men had engaged themselves by wicked Oaths, yet their own Consciences witnessing against them in themselves, they could not forbear coming in to testifie against themselves. I shall say no more, than that we ought to acknowledge the Hand of God in the Discovery with great Thankfulness; for it is He and He alone that out of his own Grace and Goodness hath done it, and thereby preserved the Life of our Prince to us, and in Him us too.

But as to the Matter in Law.

My Lord has been pleased to mention first this, That there is no Overt Act. I wonder that my Lord should be so much mistaken. When it is charged in the Articles, and proved to his Face he received a Commission,

Is

Is not that an Overt Act? He is charged in the Articles of Impeachment with Contriving the Death of the King, and being at several Meetings and Consults about the King's Death, and Hiring Persons to Kill the King; And are these no Overt Acts? Therefore as to that my Lord is mistaken.

My Lords, another Exception that is taken, is, That there is no Indictment. I conceive that an Impeachment of the House of Commons is more than an Indictment. And there cannot be any doubt of that, the Impeachment of the House of Commons having always been received and proceeded on by your Lordships.

But that which is most insisted upon, is, That this Charge that is made against this Lord was presented in another Parliament. It is true, but under favour, what is once upon Record in Parliament may at any time afterwards be proceeded upon. It is a sudden Objection, but I conceive it hath been done. However in a Case of this Nature, when the Life of the King, when our own Lives, and our Nation, and our Religion lies at stake, if there were not a Precedent, I hope You would make a Precedent. But under favour, Reason is for it, the Charge is before You, the Proof is made, and we pray You will judge according as the Evidence hath been.

Sir *Will. Jones.* My Lords, as to these Matters of Law, I think they are of so little difficulty, that my Lord will not desire to have Counsel assigned him, I am sure his Counsel will not desire to speak to them.

For this last Matter which Mr. Serjeant spoke of, and which was first named by the Prisoner, I desire your Lordship to consider what it is. Says my Lord the Prisoner, there was an Impeachment begun in the Long Parliament, and this is now the Third Parliament in which I am brought to my Tryal. It is very true, there was a General Impeachment in the Long Parliament, the particular one was in the last, and this Lord was pleased to plead in the last. It may be he was not so well advised then as he is now.

But my Lords, How can this be a doubt, when your Lordships have resolv'd, and have sent it down to the Commons; and it is there entred in their Book, as the Law and Constitution of Parliaments, that not only Impeachments but all Judicial proceedings continue from Parliament to Parliament, in the same state that they were in at the Rising of the last Parliament.

This is now become the Law of Your House, and it is under favour, being so, the Law of the Kingdom; and You having thus declared it, and sent it to the Commons, I hope the Commons had very good reason to proceed upon this Impeachment at this time.

The next matter is concerning the Overt Acts, I think there are sufficient Overt Acts in proof and sufficient in the Impeachment. Will any man deny

deny that the Receiving a Commiſſion to be Pay-maſter of an Army is an Overt Act? Will any deny that the ſending for the Witneſs and offering him money in order to hire him to kill the King is an Overt Act? and (which anſwers to all) will any man deny that the meeting and conſulting of ſeveral men together, about killing the King and changing the Government is an Overt Act.

My Lords, Theſe are all Overt Acts, and I cannot but think it was without advice of my Lords Counſel that he made theſe Objections; for indeed theſe ſeveral Overt Acts are laid in the Impeachment as fully as they are made out in proof.

My Lords, there is another Objection that my Lord is pleaſed to make, and that is, that there is but one Witneſs to a particular Fact.

*L. H. Steward.* Ay, What ſay you to that?

Sir *Will. Jones.* That, my Lords, is of little weight, with ſubmiſſion; for our Impeachments, and our Proofs run to this, that my Lord had a Deſign and Intention to deſtroy the King, this was to be done by Force, and this was to be done by ſecret Aſſaſſination. Now if ſeveral Witneſſes come and prove each a diſtinct Act, under this Head of killing the King, it is ſo many Proofs or Witneſſes to the Treaſon.

For, my Lords, if a man ſhall intend to kill the King, and ſhall buy a Knife in one County at one time, and ſend for a man out of another County at another time, whom he ſhall hire to kill the King, and theſe diſtinct Acts are proved by ſeveral Witneſſes, if they concur to the ſame general Treaſon, they are all but parts of that, and ſo are ſo many Witneſſes to the whole. And ſo I am ſure it was reſolved in the Caſe of others of the Conſpirators in the *Old Baily*, and before that in the Caſe of Sir *Henry Vane*. But,

My Lords, in this Caſe here is firſt a Proof, that he accepted a Commiſſion, which I do not uſe as an Act for the levying of War only, but as a Deſign to change the Government and deſtroy the King. Here is meeting and conſulting how to do this wicked Work, I mean, to kill the King, that is another Overt Act; Here is offering money to one of the Witneſſes for that end, that is a third Overt Act; and there is attempting another of them though not with Money yet with Promiſes of Reward in general, that is another Overt Act, all which are to this end, the Killing of the King. And I am ſure of it your Lordships cannot but receive ſatisfaction from my Lords the Judges, that it hath always been ſo held, that though there need Two Witneſſes to prove Treaſon, yet there needs no more than one to one Act, and another to another, if the ſeveral Acts fall under the ſame Head of Treaſon.

Sir *Franc. Winn.* My Lords, I crave your patience but for a word or two, and this Noble Lord will have little Reaſon to ſay his Objections in point of Law are of

of any weight. I confeſs he had ſaid a great thing, if it were true, that the Articles of Impeachment did not alledge an Overt Act; for then indeed they had beep apparently defective. But under his pardon, that is not a point of Law but a point of Fact. Let us therefore reſort to the Articles themſelves. In the 2*d* Article it is alledged that he with the reſt did moſt wickedly and traiterouſly agree, conſpire, and reſolve to Impriſon, Depoſe and Murther His Sacred Majeſty, and to deprive Him of his Regal State and Government. And then the ſame Article alledges farther, that they did contrive and conſult to effect the Murther of the King, by Shooting, by Poiſoning, and by Stabbing. All theſe particulars are expreſſed, ſo that when my Lord ſaid the Articles were therein defective, all we can ſay, is, that he was miſinform'd.

My Lords, there was another Exception taken, that this is the Impeachment of another Parliament. I muſt not now repeat how this Point was agreed by both Houſes at a Conference. But it was then declared upon ſearch of Precedents in all ages, that it was the Law of Parliaments, which is the Law of the Land, that if once an Impeachment by the Houſe of Commons were lodged in the Houſe of Lords, tho' that Parliament were diſſolved, the Impeachment remained in the ſame ſtate. It was the Cauſe of the Commons of *England*, who only change their Repreſentatives in a new Parliament. It has been alſo objected, that this Proſecution ought to have been upon an Indictment. As if an Accuſation of the Houſe of Commons, who are the grand Inqueſt of the Nation, were not as effectual to bring Offenders to Juſtice as the finding of a particular Jury. My Lords, I ſhould wonder to hear this Objection made, were not my Lord to be eaſily excuſed for his knowing the Law no better. None who know any thing in the Law would have urg'd ſuch a thing. His Counſel, I dare ſay, did not ſuggeſt this matter to him.

It is true, my Lords, when a Peer comes to be Tried by way of Commiſſion, or in *Parliament* when it is not at the proſecution of the *Commons*, there an Indictment is firſt found in the proper County, and brought up before the Peers by *Certiorari*, and upon that they proceed. But whether the Party be Peer or Commoner, if he be Impeach'd for any Crimes, ſurely no one can deny, but that by the conſtant uſe of *Parliaments*, the Lords have proceeded to Trial, and have given Judgment thereupon without an Indictment found. So that this Exception will be of no force at all.

As for the remaining Objection, that there are not two Witneſſes to prove any one Overt Act, the Kings Perſon would be in no manner of ſafety, if that Doctrine ſhould be once allowed. Conſpiring to kill the King is the Treaſon laid in the Impeachment, and the ſeveral Overt Acts are ſo many ſeveral Evidences of that Treaſon. Words themſelves if they ſignifie an intention to do an Act, and expreſs ſomething to be done *in futuro* are a ſufficient Overt Act, & a legal Evidence of Treaſon. Then we prove by another Witneſs, not words of encouragement only but offers of money, and they are both to the ſame kind of Treaſon tho' not to the ſame Act, and at the ſame time. And if there muſt be 2 Witneſſes to every ſingle Act the King of *England* is not only in a far worſe condition than any other Prince, but than any one of his own Subjects, Treaſons may be committed every day with Impunity,

and unleſs the Traytors be as great Fools as Villains, he ſhall never be ſafe from them, nor capable of punishing them.

I muſt ſay it, and I ſay it with commiſeration to the Condition of this Noble Lord, that his Exceptions in Law are as weak as the Anſwers he has given to our Evidence. We hope no doubt in Law remains with you, and that we have given your Lordships full ſatisfaction of the reality of the Plot, and a convincing Evidence of the great share which my Lord *Stafford* had in it, and we humbly pray your Lordships Juſtice.

*Lord High Steward.* You do not take notice of one thing that my Lord *Stafford* ſaid this morning, That is, that the Witneſſes are not competent Witneſſes becauſe they ſwore for Money, and that is fit to be ſpoken unto, not for the Weight of the Objection ſo much as for the Satisfaction of the Auditory.

Sir *Francis Winnington.* My Lords I had taken a Note of that, but forgot to mention it. If my Lord at the Bar will ſay they have taken Money to ſwear, that is purely a Matter of Fact, which he ought to prove, and that which is ſaid and not proved ought to go for nothing; let him prove his Caſe to be ſo, and then we will give him an Anſwer.

*Lord High Steward.* My Lord *Stafford*, if your Lordship can prove that they have had Money to ſwear, your Lordship urges that which will be material; but if it were only Money to maintain them, that ſure will amount to no Objection.

*Lord Stafford.* My Lords, I ſubmit it to your Lordships whether Dr. *Oats* and the reſt have not had great Sums of Money beſides their Charges, 10 *l.* a week a piece. But I deſire your Lordships to conſider, and I appeal to many of your Lordships, whether it has not been ſaid, that it was a defect in *Coleman's* and *Langhorn's* Trials, that they did not plead that, and if they had pleaded it, they muſt have been acquitted, I will name no body, but I appeal to your Lordships, whether ſome of you have not ſaid ſo. But I deſire your Lordships to admit me to plead by my Counſel; if not, I ſubmit to you. I confeſs here is a piece of Law that I never heard of before, that the Houſe of Commons and your Lordships at a Conference, have adjudged it to be the Law of Parliaments, that Impeachments ſhall continue from Parliament to Parliament. If you will pleaſe to hear my Counſel for me, ſo, if not I ſubmit.

*Lord High Steward.* What would you, or can you prove?

*Lord Stafford.* My Lords, Thoſe things that I have given in to your Lordships, I deſire my Counſel may be heard to.

*Lord High Steward.* Gentlemen, what can you object why he ſhould not have Counſel to argue his Objections in Law?

Sir *William Jones.* My Lords, I do think under favour, if a Priſoner in a Capital Cauſe do deſire Counſel, he muſt not only alledge matter of Law to introduce

duce that Desire; but that which he doth alledge, must be also a matter of some Doubt to the Court: For if he do alledge matter which in it self is not Disputable, he shall have no Counsel allowed him. If your Lordships are not satisfied that it is the Law of your House, that Proceedings upon Impeachments do continue from Parliament, we cannot answer that, it lies in your Lordships breasts, it is not what we are to argue. because it is a matter that concerns the Law and Rules of Parliaments. Is there, my Lords, any doubt of any other Point that is urged? Is there any doubt of this thing, whether if one Witness speak to one point of Fact and another to another upon the same sort of Treason, but that these be two such Witnesses as the Law requires? I pray then, my Lords, consider the consequence of that doubt: A man shall talk with twenty Persons about a Design to kill the King in one and the same Room one after another, by taking them into a Corner singly, and if ten or all twenty come to prove it, here is but one Witness to each Discourse. This would be a matter of dangerous Consequence, but I hope will remain no manner of doubt with you, nor is it fit to be argued.

As to the Hiring of Witnesses to Swear, I think that can be no point of Law till it be so proved in Fact. Doth his Lordship think, that when His Majesty out of His Grace and Bounty allows a Maintainance to His Witnesses, that that is an Objection to their Testimony. Doth not every man allow his Witnesses a a Maintainance, and yet it never was thought a thing to take away their Evidence. It may be every one doth not give so large an allowance as the King, because his Dignity is not so great. But can it be an Objection to the House of Commons? Have we that are the Prosecutors maintained them? If His Majesty have been bountiful to His Witnesses, what is that to this Cause of the Commons? If my Lord can prove any thing of Bribery in us, as he has proved for us against himself, it may be an Objection. But till that Fact be proved, I hope there is no ground for a Question in Law; and if there be no doubt in Law, I hope there will be no need of Counsel.

*Lord High Steward.* My Lord *Stafford*, What are the Points you would have Counsel too?

*Lord Stafford.* To all of them, my Lords.

*Lord High Steward.* Would you have Counsel to the first Point, to argue what the Law of Parliaments is concerning the continuance of Impeachments from Parliament to Parliament.

*Lord Stafford*, My Lords, if you will declare the Law to be as these Gentlemen say, I must acquiesce.

*Lord High Steward.* Pardon me, my Lord, I do not declare the Law, but ask you whether you would have Counsel to argue that Point.

*Lord Stafford.* My Lords, I do say there is no Example of it, I know there have been Impeachments, but no Examples of Impeachments continued from Parliament to Parliament.

*Lord High Steward.* Then in the next place, for I shall propose your Objections to their Lordships by and by, and desire their Judgment in them; Do you desire to argue by your Counsel, that every Overt Act ought to be proved by two Witnesses?

*Lord Stafford.* I do, my Lords, I desire my Counsel may be heard to all the Points I mentioned to your Lordships.

*Lord High Steward.* Have you Counsel ready to speak to these Points now?

*Lord Stafford.* Yes, my Lords.

*Lord High Steward.* Are they prepared to speak to them now?

*Lord Stafford.* They are, my Lords.

*Lord High Steward.* If they be so, what hurt will there be in hearing of them?

Sir *William Jones.* My Lords, Whether you will hear an Argument from Counsel about the Law of Parliaments, I hope you will please well to consider.

Sir *Fran. VVinnington.* My Lords, We in the House of Commons do never suffer any Counsel to tell us what is the Course of our House and the Law of Parliaments; if your Lordships think fit to allow it, 'tis in your own power, but we who are intrusted with the Management of this Cause by the House of Commons have no direction to consent to such a thing.

*Lord High Steward.* We will hear Counsel to save time upon that Point, whether in proof of a Treason for killing the King, every Overt Act ought to be proved by two Witnesses.

Sir *William Jones.* If your Lordships make a doubt of it.

Sir *Fran. Winnington.* And if the Prisoner desire it.

Mr. *Serjeant Maynard.* My Lords, We shall not oppose it, but I shall wonder if any Counsel do maintain it.

*Lord High Steward.* Are your Counsel ready to speak to that Point?

*Lord Stafford.* Here they are, my Lords.

*Mr.* Wallop *of the* Middle-Temple, *Mr.* Saunders *of the same Society, and Mr.* Hunt *of* Gray's-Inn *appeared by the Prisoner at the Bar as his Counsel.*

Mr. *Wallop.* May it please your Lordships, we are here commanded by your Lordships to Attend, that if any matter of Law do arise upon a Case proved, agreed, and judged by your Lordships debateable, then in due time we are to conform our selves to your Lordships command, and argue those Points for my Lord the Prisoner at the Bar. But if your Lordships do think that the Points urged by my Lord are not debateable in Law, I have so high an Opinion of your Lordships Judgment, and such a mean opinion of my own Talent, that I shall not undertake to Argue *Extempore* in this great Assembly, in a Cause of so high a Nature.

*Lord High Steward.* Look you, Sir, you are of my Lords Counsel.

Mr. *Wallop.*

Mr. *Wallop.* I am, my Lords, and by the Order of your Lordships do attend here.

*Lord High Steward.* If you think it an arguable Point, you will have the Judgment of my Lords afterwards. Will you argue it now?

Mr. *VVallop.* My Lords, I always thought if a Point be ſtirred in any Court and thought diſputable, it ſhould be ſtated and agreed before it be argued.

*Lord High Steward.* You are to argue for my Lord, and to know the Judgment of the Court afterwards: would you know our Opinions before hand.

Mr. *VVallop.* We would know what it is we are to argue if your Lordships pleaſe.

*Lord High Steward.* Why, if you are provided for it, you are to maintain that by Law every Overt Act ought to be proved by two Witneſſes, if you are prepared ſpeak to it and my Lords will hear you.

Mr. *VVallop.* It is true, my Lords, there have been ſome publick Reſolutions concerning that Point, therefore I ſhall be the warier what I ſay in that; But, my Lords, it is a matter that has been thought of great import one way or other, but I do profeſs at this time I am not able to undertake a Solemn Argument upon that Point.

*Lord Stafford.* My Lords, I am ſo far from delaying this Cauſe, that I deſire it may be argued now.

*Lord High Steward.* Then you are not ready to ſpeak to it.

Mr. *VVallop.* No, my Lords, I am not for my own part at preſent, for it is impoſſible we ſhould foreſee what would be the Point, and to apply our ſelves to ſtudy an unforeſeen Caſe before it be agreed, ſtated, and judged worthy of Argument, cannot be expected from us. I have always obſerved it in the *King's-Bench.* If the Priſoner urge any thing and the Court think it debateable, they firſt agree and ſtate the Caſe, then Aſſign Counſel, whom they do not urge to deliver an Opinion preſently, but give them time to prepare for it.

*Lord High Steward.* Mr. *VVallop*, it is not believed that this Point is moved, but by your Advice that are of my Lord's Council, and you ſhould be ready to maintain the Advice you give, therefore if you are ſo, ſpeak. You have the Protection of the Court for the Counſel you give in matter of Law, and whatever Advice you give you ſhould maintain by Law.

Mr. *VVallop.* Truly, my Lords, it is a Point that has, as I ſaid before, received ſome Settlement, but whether ever in this Court or no, I cannot tell. Therefore I did diſcharge my thoughts of providing any Argument till your Lordships ſhould have determined whether you will take the Point upon the Reſolutions in the Courts below to be finally ſettled and determined.

Sir *William Jones.* So then it is agreed to be ſettled in the ordinary Courts.

*Lord Stafford.* I deſire alſo it may be argued, whether words are an Overt Act.

Sir

Sir *Francis Winnington.* It ſeems the Law is with us in caſe of a Commoner, but whether it be ſo for a Lord is the Queſtion.

*Lord High Steward.* My Lord *Stafford*, How comes it to paſs that your Lordship came prepared with Objections, but not with Counſel ready to argue them.

*Lord Stafford.* Mr. *Wallop* has given you an Anſwer, I muſt ſtand by that.

*Lord High Steward.* Is it your Lordships pleaſure that we Adjourn?

*Lords.* Ay, Ay.

*Lord High Steward.* This Houſe is Adjourned into the Parliament Chamber.

*Then the Lords returned to their Houſe in their Order, and the Committee of Commons ſtaid in their Places to attend their Reſolutions.*

*In one hours time the Lords returned, and my* Lord High Steward *being ſeated upon the Woolpack, Silence was proclaimed.*

*Lord High Stewvrd.* My Lord *Stafford*, My Lords, ſince they have been withdrawn, have conſidered of one Point, of that point chiefly which your Lordship did move touching the neceſſity of two Witneſſes to every Overt Act alledged as Evidence of High Treaſon, that is the point you have deſired Counſel to ſpeak to, and that is the point your Counſel deſired to know whether it was a doubtful or debateable point before they would argue it, and hereupon my Lords did withdraw to conſider it. And my Lords have directed, that all the Judges that aſſiſt them, and are here in your Lordships preſence and hearing, ſhould deliver their Opinions, whether it be doubtful and diſputable or no.

*Then all the Judges conſulted privately together, and afterwards gave their Opinion* Seriatim, *beginning with the Lord Chief Juſtice* North, *the Lord Chief Juſtice* Scroggs *being abſent.*

*Lord Chief Juſtice North.* My Lords, I do here deliver my Opinion, and I am clear in it, That if there be ſeveral Overt Acts or Facts which are Evidences of the ſame Treaſon, if there be one Witneſs to prove one ſuch Overt Act at one time, and another Witneſs to prove another Overt Act at another time, both the Acts being Evidences of the ſame Treaſon, theſe are two ſufficient Witneſſes of that Treaſon,

and

and will maintain an Indictment or an Impeachment of Treason. I never knew any doubt made of it in any Inferiour Court of Justice, and I have known it often resolved.

*Lord Chief Baron Montague.* My Lords, where ever Treason is to be proved to every Overt Act, two Witnesses, as I conceive, are not required. If so be there are two Witnesses to several Overt Acts conducing to a proof of the same Treason, I think they are Witnesses in the Judgment of the Law such as the Statute requires.

Mr. *Justice Windham.* I am of the same Opinion with my Lord Chief Justice *North*, and my Lord Chief Baron, That if there be several Overt Acts done at several times tending to the same Treason, these several Acts being severally proved by several credible Witnesses, though but by one Witness at each time to each Act, the said several Acts being Evidences of the same Treason; these are sufficient Witnesses of that Treason so proved, and will maintain an Indictment or (as I conceive) an Impeachment.

Mr. *Justice Jones.* My Lords, if several Witnesses speak to the same kind of Treason, although they speak to several Overt Acts and give Evidence of several times, the one of them speaking to one time and the other to another time, yet keeping still to the same kind of Treason, they are such two Witnesses as are required by the Statute of *Edward* the *6th*, and this I do take to be the constant Opinion of the Courts below.

Mr. *Justice Dolben.* My Lords, I am of the same Opinion, and I know it hath been many times so resolved, I have been present when Sentence hath passed upon Persons by whom the same Case hath been urged, and it hath been so resolved. And it hath been moved in *Westminster-Hall*, and that was the constant Opinion of the Judges there; particularly in the Case of Sir *Henry Vane*. It was upon solemn Debate resolved, and divers times it hath been held, that the same Treason may be proved by two Witnesses to several Overt Acts, though one speak of Words or Actions that were spoken or done at one time and in one place, and another speak of Words or Actions at another time and in another place, those are two good Witnesses in Treason within the intent of the Law, and if the Law were otherwise 'twere scarce possible to convict any man of Treason, and therefore I take it to be very clear.

Mr. *Justice Raymond.* I am of the same Opinion, That where several Circstances are brought to prove the same Treason, one Witness to each of the several

ral Circumſtances is ſufficient, and this, I conceive, hath been always the Opinion of the Judges.

Mr. *Baron Atkins.* My Lords, I am of the ſame Opinion, That there muſt be two Witneſſes in the Caſe of Treaſon is a matter without Queſtion, but there are ſeveral Overt Acts that may contribute to the effecting of that Treaſon. If a man deſigns to kill the King, and buyes Powder at one place at one time, and a Piſtol at another place at another time, and promiſes a Reward to one to aſſiſt him to do the thing at a third place and a third time; theſe are ſeveral Overt Acts, but if the Law requires that each be proved by two Witneſſes I do not well ſee how any man can be Convicted of Treaſon. In the Caſe of Sir *Henry Vane* and others, this very Queſtion was ſtarred but was not thought worthy of Debate, if it ſhould be otherwiſe it would touch the Judgments which have been given upon this kind of Proof, and what would the Conſequence of that be, but that thoſe perſons who were Executed upon thoſe Judgments have ſuffered illegally; And therefore I am of Opinion that it is not requiſite there ſhould be two Witneſſes to every Overt Act.

Mr. *Baron Gregory.* My Lords, I am of the ſame Opinion, it is Treaſon to Conſpire the Death of the King; Now each of the Witneſſes is a Witneſs to prove that Treaſon, the one ſays he offered him ſuch a Reward, in ſuch a place, that is one Witneſs to prove that he Conſpired the Death of the King, and another ſays, that he offered him ſuch a Reward in another place, that is another Witneſs that he Conſpired the Death of the King. For the Party is indicted upon one particular Overt Act, but he is indicted for Treaſon in Conſpiring the Death of the King, and each of the Witneſſes being to prove that, though they ſpeak to ſeveral Acts they are good Witneſſes according to the Law.

Mr. *Baron Weſton.* My Lords, I am of the ſame Opinion with my Reverend Brethren who have ſpoke before me.

Mr. *Juſtice Charlton.* My Lords, I am of the ſame Opinion, and I think truly it would be the eaſieſt matter for a man to Commit Treaſon, and eſcape without queſtioning, if it ſhould be otherwiſe. But this is the firſt time that I have heard it hath been made a Queſtion, that to the ſame Treaſon there muſt be two Witneſſes to every Overt Act. It hath been adjudged always according to the Law, that to prove Treaſon there muſt be two Witneſſes, but to any Overt Act there needs but one.

*Lord*

*Lord High Steward.* My Lord *Stafford*, By the uniform Opinion of all my Lords the Judges, there is no colour to doubt the Law in that point which you desire to argue; So that as to that point you must rest satisfied, you are not to have Counsel to speak to it. For the rest I have no Commission yet from my Lords to say any thing.

Lord *Stafford.* Will your Lordships give me leave to say one thing to what I have heard, I would answer, if I might, only to one Judge, I think they call him Judge *Atkins.*

*Lord High Steward.* Your Lordship may say what you please.

*Lord Stafford.* My Lords, I hear a strange Position, I never heard the like before in my life, and 'tis what he said, if I am in the wrong I beg your Lordships pardon and his too. He told your Lordships the Reason why the Law should be so, was because else a great many of those persons that have already been Executed must have been acknowledged unjustly cut off and put to Death, that is an Argument I hope will not weigh with your Lordships or any body, for 'tis better that a Thousand persons that are Guilty should escape, than that one Innocent person should die, much more then that it should not be declared, that such a Judgment was not well given.

*Lord High Steward.* Look you, my Lord, where many Reasons are given 'tis easie to make a Reply to one of the least among many, that was one Reason given, but the true Reason is this, if the Law were otherwise there would be great safety in Conspiring the Death of the King.

Lord *Stafford.* My Lords, I say nothing further as to the rest, but this stuck with me. I am sorry to hear a Judge should say any such thing, and though I am in such a weak and disturbed Condition, I assure your Lordships my Blood rises at it.

*Lord High Steward.* Is it your Lordships pleasure that we should Adjourn?

*Lords.* Ay, Ay.

*Lord High Steward.* Then this House is Adjourned into the Parliament Chamber.

*The Lords withdrew in their Order, and the Committee of Commons went back to their House.*

Mr. *Speaker* resumed the Chair.

A Message was sent from the Lords by Sir *Timothy Baldwyn* and Sir *Samuel Clarke.*

Mr. *Speaker*,

The Lords have sent us to acquaint this House, That they have ordered *William* Viscount *Stafford* to be brought again to the Bar in *Westminster-Hall*, on *Munday* morning next at Ten of the Clock.

After which the House of Commons Adjourned to Eight of the Clock on *Munday* morning.

## The Sixth Day.

*Munday, December* 6. 1680.

ABout the hour of Eleven in the morning, the Lords being Adjourned into *Westminster-Hall* going thither in their former Order into the Court there Erected; and Mr. *Speaker* having left the Chair, the Committee of Commons were Seated as before.

The Court being Sate, Proclamation for Silence was made, and the Lieutenant Commanded to bring his Prisoner to the Bar, which being done, the *Lord High Steward* began.

*Lord High Steward.* Read my Lord *Stafford*'s Petition.

### To the Right Honourable the Lords in Parliament Assembled, The humble Petition of *William* Viscount of *Stafford.*

*Humbly shewing unto your Lordships, that he hath some things to offer unto your Lordships in order to clear himself, which he hopeth to do.*

*Your Petitioner doth therefore with all humility, most humbly beseech your Lordships to give him leave to offer some things unto your Lordships Consideration, And your Petitioner shall ever pray*, &c.

Stafford.

*Lord*

*Lord High Steward.* My Lord *Stafford*, my Lords have been willing upon your Petition to come and hear what that is that your Lordship hath to offer: And they would know whether it be matter of Fact or matter of Law. For your Lordship must know, that as to Witneſſes the Proceſs is cloſed.

*Lord Stafford.* I do not pretend any more Witneſſes, my Lords.

*Lord High Steward.* Then my Lord what is it that you would ſay?

*Lord Stafford.* My Lords, I did Yeſterday receive an Order from your Lordſhips, and upon that and ſome other things that I have to trouble your Lordſhips with, I did petition for this favour, which I humbly thank your Lordſhips for granting. If I be impertinent I ſhall beg your Lordſhips pardon, and I hope you will be pleaſed to conſider my Weakneſs at all times, eſpecially in this condition I am now in, but I hope by your Lordſhips favour to be in an happier one quickly. For the matters of proof I ſhall offer not a tittle, but, my Lords, this Order which I received does ſay, That the Lords Aſſembled in Parliament have ordered, that my Counſel ſhall not be heard touching the continuance of Impeachments from Parliament to Parliament; but I hope my Lords, you will pleaſe without Offence, to let me offer to your Lordſhips my own Conceptions about it, which I ſhall do as briefly as I can.

My Lords, I do not conceive by this Order, That your Lordſhips ſay it does or it does not continue: You have given no Judgment as I know of in it, when you have I ſhall acquieſce, but I hope your Lordſhips will reſolve that it does not. And, my Lords, my reaſons for it are two; the firſt is, becauſe one of the Managers for the Houſe of Commons, as I take it Sir *William Jones* ſaid theſe words, and your Lordſhips may remember them, That if there were no ſuch Preſident your Lordſhips would make a Preſident, whether you will or no that I muſt ſubmit to your Lordſhips, but then there is none yet. The next thing is, my Lords, this, whether an Impeachment be to be proſecuted in Parliament without an Indictment: this, my Lords, I humbly hope your Lordſhips are reſolved, it ought not: For I ſee not how truely, my Lords, it can be, by the little reading which I have had in the Law, I never found any man proſecuted in a Legal way but by an Indictment, I may be miſtaken, and I beg your Lordſhips pardon for troubling you with my miſtakes, but I never read of any that were proſecuted upon an Impeachment; ſo then the Legal uſual word being Indictment, I hope your Lordſhips will not alter the form, for I hope you will keep that great Maxim of your Noble Anceſtors, *Nolumus Leges Angliæ mutare*, and whether this be a Change of the Law or no, I ſubmit it to your Lordſhips.

A third thing is this, Your Lordſhips do not think fit that my Counſel ſhall plead to that Point, whether Words do amount to an Overt Act, for hearing my Counſel to that likewiſe I do not pretend, but I hope your Lordſhips

will give me leave to say this, I never heard that Words did amount to an Overt Act, if your Lordships judge otherwise, I submit, but till then I hope it shall not conclude me.

There were some other Points which I did offer to your Lordships, and I humbly beseech you to know, whether my Counsel shall be heard to them; 'tis true, one of them, which was, whether two Witnesses in several places did amount to a legal Testimony or no, your Lordships did not declare one way or another: If you say you acquiesce in the Opinion of the Judges, I must submit, but till Judgment is given, I beseech your Lordships to give me leave to tell you my weak thoughts about it. *I* did not hear what the Judges said all of them, but as *I* apprehend they were all of one Opinion; 'Tis true, one of them that spoke last, *I* think it was Judge *Atkins*, did say it did amount to a legal Testimony, because else those Juries that have found some Guilty upon the same sort of Evidence should be perjured; but if this were not so, then upon the same grounds, under your Lordships favour, those Juries that acquitted some upon such Testimony were perjured, but *I* must believe it to be otherwise till your Lordships have declared it as your Opinion, for that reason will not hold, for the same reason will be for the perjuring the one, as for the perjuring the other. And the same Juries for the most part tryed those that were found guilty and those that were acquitted.

*Lord High Steward.* Is this all your Lordship will please to say?

*Lord Stafford.* No, my Lords, if you would give me leave *I* would trouble you a little farther, if it were an Offence *I* would not say a word. My Lords, *I* do conceive *I* am not concerned in the general Plot of the Papists; for *I* am not proved to be so, and whatsoever *I* may be in my self, as *I* conceive, or whatsoever there is of hearsay, *I* hope your Lordships will not go upon that, but upon what is proved *Secundum allegata & probata*, and that common Fame will condemn no man, if it do, then no man is safe, but *I* must say there is not one word of proof offered that *I* am a Papist.

*I* hope, my Lords, *I* have cleared my self to your Lordships and made my Innocency appear, by making appear the perjury of the Witnesses, and the falshood of those things they said against me. Against *Dugdale I* have proved it by two of his own Witnesses, the one was *Eld* the woman that swore for him, That he took up a Glass of Cyder and wished that it might be his Poyson if he knew any thing of the Plot, the other was *Whitby*, who says, he had given my Lord *Aston*'s Father warning long ago what a Knave he was. So 'tis clear, for Dr. *Oats I* hope from his Contradictions against himself as well as *Dugdale*, who does contradict himself, at one time *August*, at another time the latter end of *August* or the beginning of *September*: And *I* hope your Lordships will give no credit to *Oats*'s Testimony, for he said before your Lordships he had declared all he knew, ('tis true *I* was then accused, but not for having a

Commission

Commission he now swears) and afterwards he accused the Queen. So here is *Oats* against *Oats* and *Dugdale* against *Dugdale*; and for *Turbervill* I have proved by his Affidavit, first he swears one thing and then another, and the truth of it is, his Brother proved him false in his last Oath, that it was (71) and not (72.)

My Lords, 'Tis not my part to make any Question, nor do I, whether a Plot or no Plot; for I am not concerned in it: If what I shall say now be impertinent, I humbly beg your Lordships pardon. My Lords, I have been by the most of my Friends, at least every one that came to me, particularly by my Wife and Daughter that is near me, perswaded to tell all that I knew, and I do here in the presence of Almighty God declare what I know to be true.

*Lord High Steward.* What says my Lord? Speak out.

*Lord Stafford.* My Lords, I do believe since the Reformation from the Church of *Rome* to (what it is now Established) the Church of *England*, those of that Religion have had several wicked and ill Designs and Plots: I do believe they had a Design in Queen *Elizabeth*'s time, *Babbington*'s Plot, (that is a long time ago) how far it was to take away the Queens Life I can't tell, but a Plot it was: I do believe there was another in her time, called, Earl of *Westmorland*'s Plot, wherein there was a Rebellion in the North, for which some fled and some were Executed, that was a very ill design: As for those poysonings of her Saddle and the like, I take them to be but stories.

In King *James*'s time, in the first year of his Reign, there was a wicked Plot composed by Actors, some of one Religion, some of another, there was my Lord *Grey*, my Lord *Cobham*, my Lord *Brooke*, and others such, they were condemned all of them, some fled, as *Markham* and *Bainham*, those Lords and Sir *Walter Rawleigh* were Reprived and kept long in the *Tower*. But Sir *Walter Rawleigh* was afterwards upon that same Judgment Beheaded, and the Lords dyed in the *Tower*.

My Lords, Next to that was the Execrable Treason that I spoke of at first, the Gun-powder-Treason: And I protest before Almighty God, I did from my Infancy detest and abhor those men that were engaged in it, and I do think, and always did think, the Wit of Man nor the Devils Malice, can't invent an Excuse for it: For the men concerned they all acknowledged it, confessed it, and beg'd pardon of the King and God, and all good men for it, that is all I shall say to that now.

My Lords, Since his Majesties happy Restauration I do conceive, and I think I may safely say it, (for you all know it, he was gracious and good to all Dissenters) I particularly to them of the Romish Church, they had Connivance and Indulgence in their private Houses, and I declare to your Lordships, I did then say to some that were too open in their Worship that they did play foul in taking more Liberty upon them than was fitting for them too, and that brought the misfortune upon me which I will not name.

My

My Lords, it was not long ago that your Lordships at your own Bar did allow all the Dissenters from the Church of *England* to give some Reasons to your Lordships why those Laws that were against them should be repealed, as well Protestant Dissenters as those of the Church of *Rome*, and why they should have some kind of Toleration; among whom you did permit those of the *Romish Religion* to appear too, I forget their Names. And I remember particularly one of the sorts of them, an *Anabaptist*, I think, did urge for a Reason, that which is a great truth, that they held Rebellion to be the Sin of Witchcraft, I believe it is as bad as any Sin can be.

My Lords, that came to nothing at that time, but, my Lords, I believe that after that all of all Religions had Meetings among themselves to endeavour to get that Toleration which they proposed humbly to your Lordships, there I will never deny, my Lords, that my Opinion was, and is, that this Kingdom can never be happy till an Act of Parliament pass to this Effect; it was my Opinion then, and I did endeavour it all I could that the Dissenting Protestants might have a Comprehension, and the other a Toleration; I acknowledge it to be my Intention, and I think it was no ill one; for if that be a true Copy of the Commons Votes which is in Print, there is some such thing designing there as a Comprehension; and I was of Opinion that it were sufficient that such as were of the Church of *Rome* might by Act of Parliament serve God in their own Houses, and privately in their own Way, not in publick, and that for it they should pay something to the King out of their Estates, but truly not much; That they should be severely punished if they or any of them did endeavour to persuade any Subject to their Opinion, or did come to Court, or enjoy any Office whatsoever, though it were but that of a Scavenger, but that they should pay their proportion to all chargeable Offices; That I profess, my Lords, was my Opinion, and I confess to your Lordships 'tis so still. I was in some hopes that it would have been done in that Sessions, because I was afraid it was unlikely to be done at any time else. I confess to your Lordships I was heartily and cordially against the Test, because it hindred those just and honest things that were for the Good of the Kingdom.

My Lords, there was the first or or the second Day brought into your Lordships House, the Record of Mr. *Coleman*'s Tryal, and for the Letters in it, I do my Lords, declare to your Lordships, I never read of one of them before, but I have read them since they have been in Print; And when I read them first cursorily over, my Opinion was, and is, That *Coleman*'s endavouring by Money out of *France*, and keeping off the Parliament to get a Toleration, was that which he could not justifie by Law, how far it was Criminal, that I do not know, I am not so skilled in the Law, I think it was not justifiable, but he hath paid for it severely since.

My

My Lords, I do declare that ever since I had the Honour to sit among your Lordships, which is now 40 Years (for in the Year 1640. I was by His Majesties favour called up a Peer) I have valued my self upon the Honour of sitting with you; and I do declare when I have sat in this House, when your Lordships have desired the King when it was hot weather and unseasonable, to put off the Sitting of the Parliament, I was never glad of it, but sorry when they were prorogued but for a short time. This I profess is true, and I hope I am no Criminal in it; for I do value the Parliaments Sitting to be the only means to keep this Kingdom quiet.

My Lords, 'Tis very true by *Coleman*'s Letters, and what I have seen in print since, I do believe there have been some Consultations for a Toleration; and if I had known as much then as I have since I have been in the *Tower*, I had perhaps prevented many things; for, my Lords, I hold *England* to be a great and an happy Body; but it is as other great Bodies are, it may be now, as you know before it was, over-grown or sick; it was then, and *I* pray God it be not now, but *I* hold nothing can cure it but that old *English* Physician, the King, your Lordships and the Commons in Parliament assembled. But if *I* had known any such Design, as *Coleman*'s Letters do hint, *I* would not have continued in *England*.

My Lords, For that damnable Opinion of King-killing, if *I* were of any Church whatsoever, and found that to be its Principle, *I* would leave it. My Lords, this is as true as *I* can speak any thing in the world, *I* beg your Lordships pardon for troubling you with my impertinencies, and hope you pardon it to my weakness. My Lords, *I* do profess before Almighty God, and before your Lordships my Judges, *I* know no one tittle nor point of the Plot; and if *I* did *I* hold my self bound to declare it. For the present *I* shall say little more, unless the Managers give me occasion; if they will reply, and make any Objections *I* desire *I* may answer them. *I* know the great disadvantages *I* am under, when these Gentlemen, who are great Scholars and Learned Men, reply upon me, who have those great helps of Memory, Parts, and Understanding in the Law, all which *I* want. And therefore *I* hope your Lordships will dot conclude me upon what they or I have said, but will be pleased to debate the matter among your selves, and be as well my Counsel as my Judges.

My Lords, when *I* offer to your Lordships matter of Law, I did in no wise admit the matter of Fact.——

*Lord High Steward.* My Lord, I cannot hear you.

Lord *Stafford*, My Lords, if your Lordships please, that Paper may be read.

*Lord High Steward.* Deliver your Paper in, my Lords cannot hear.

*Lord Stafford.* I cannot deny to your Lordships, that what happened to me

me on *Saturday* night, disturbed me very much. Every day since I came hither, there hath been such shouting and houting by a Company of barbarous Rabble, as never was heard the like, I believe, but it was at a distance most of the time, and so it did not much concern me. But *Saturday* night it was so near and so great, that really it hath disturbed me ever since; it was great to day, but at a distance; if it were not thus, I should not offer a Paper to be read; I scarce know what I do or say considering the Circumstances I am in.

*Lord High Steward.* Take my Lords Paper and read it.

Sir *Thomas Lee.* My Lords, I desire you will please to consider whether this may not introduce a new Custom by reading of this Paper. As to what my Lord is pleased to say, I am sorry for the occasion that any disturbance should arise to my Lord, from the Rabble, or any one else; I hope his Lordship believes we cannot help, nor do we contribute to that disturbance. But we desire your Lordships to consider whether this practise of having things written down for the Clerk to read, may not introduce a Custom, which may in time grow inconvenient for future Example. I see no great danger in the particular Instance before your Lordships now, but it is dangerous in such Cases to do any thing that is new in this Court.

*Lord High Steward.* All the matter is, whether it be read by my Lord, who cannot be heard, or read by the Clerk.

Sir *Thomas Lee.* We only oppose it out of fear of making a President, which may be of ill consequence.

*Lord High Steward.* Read it, my Lord, and raise your voice, for it concerns you to speak out.

*Lord Stafford.* (Reading out of his Paper.) My Lords, when I offered Matter of Law to your Lordships, on *Saturday* last, I did in no wise admit the Matter of Fact to be true that was alledged against me, and so I desire to be understood. And I hope your Lordships will not lay the less weight upon the Testimony of my Witnesses because they are not sworn; for the Law does not suffer them to be sworn, which is no fault of mine, nor ought not to turn to my Prejudice.

I must appeal to your Lordships Judgments in point of Fact, how far the Kings Witnesses are to be believed against me, considering the whole matter, and my Counter-proof.

Next I submit to your Lordships Judgments this point, That the Impeachment being founded upon the Common Law, and the Statute of 25*th. Edw.* 3. and not upon the Statute of 13*th.* of this King, two of the Witnesses, *Dugdale* and *Turbervill*, do only swear Treasonable words spoken by me, and not my Overt Act; for they swear only that I promised them Money and Rewards to kill the King. Now I humbly pray your Lordships Judgment, whether bare

speaking

ſpeaking of words be an Overt Act, and Treaſon at the Common Law, or upon that Statute; and whether there be more than ſpeaking of Words in a Conſult, or otherwiſe proved by *Dugdale* and *Turbervill*, I appeal to you; then the other Witneſs, *Oats*, is but a ſingle Witneſs, who ſpeaks of the receiving of a Commiſſion. This is that I offer to your Lordships now for your Judgments, and then I deſire I may have your Opinion in other things.

*Lord High Steward.* Is this all your Lordship hath to ſay?

*Lord Stafford.* For the preſent, my Lords.

*Lord High Steward.* You muſt ſay all you have to ſay now.

*Lord Stafford.* Is it your Lordships pleaſure to hear Counſel to nothing at all? I did likwiſe alledge to your Lordships th' other day, that People that ſwear for Money, are not competent credible Witneſſes; how far that was proved, or I may prove by my Counſel, I ſubmit to your Lordships.

*Lord High Steward.* Look you, my Lord, you have ſo far received already the pleaſure of the Houſe: You have raiſed ſeveral Queſtions of Law, whether every Overt Act require two Witneſſes to prove it. You have had the Opinion of the Judges, and there is no more to be ſaid in it. As to that, whether Impeachments continue from Parliament to Parliament, and the other thing, whether Proceedings may be upon an Impeachment without an Indictment; theſe are matters of the Courſe and Conſtitutions of Parliaments, my Lords will conſider of them by themſelves, and will permit no Counſel to argue them. For the other Point, That words are no Overt Act, that reſts for their Opinion in another Caſe, when it ſhall come, for they have now no ſuch Caſe before them.

*Lord Stafford.* I humbly conceive there is.

*Lord High Steward.* There is a great difference between bare words being an Overt Act, and perſwaſion by Promiſes of Money and Rewards to kill the King, which is a very great Overt Act.

*Lord Stafford.* Is it poſſible to do an Act by Words? If it be ſo, I never heard it before.

*Lord High Steward.* Otherwiſe men may promiſe Rewards to 20 ſeveral perſons to kill the King, and then ſay 'tis all but Words.

*Lord Stafford.* I ſay it not, but I humbly conceive the Law ſays it.

*Lord High Steward.* What ſay you, Gentlemen of the Houſe of Commons?

*Lord Stafford.* My Lords, I have ſomething to ſay, which I deſire to ſpeak firſt: My Lords, I hope I have cleared to your Lordships, that all the Witneſſes have ſwore falſe againſt me, and this I have made out by Proofs; I ſay not much to that.——(*My Lord was ſearching for his Papers*) Truly, my Lords I am confounded with the Noiſe and other Circumſtances, but my Lords, I ſhall, if your Lordships pleaſe to give me leave, humbly repreſent my Caſe to you, how I take it to be in matter of Fact, as to my own Condition for any thing, but how I ſtand now before your Lordships.

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I was, my Lords, committed by my Lord Chief Justices Warrant, on the 20. or 21. of *October*, (78.) *Friday*, the 25. of *October*, I was brought to your Lordships Bar, I was Impeached; I do not remember the day, my Lords, the beginning of *December*, in one Parliament Articles exhibited against me, in another Parliament I was brought upon these Articles exhibited, and being called to your Lordships Bar, the Articles were read to me, and I gave in my Answer, that was sometime in *May* (79.) and in the end of *May* the 27. (if I mistake not, if I do, I desire it may be rectified by your Books) I with the other Lords, were brought to this place in order to our Trial. We staid some time there, and then were remanded by your Order to the *Tower*, where I continued till *November* twelve month after, without having heard any thing concerning it; so that I was first Impeached in one Parliament, Articles brought against me and pleaded to in a second, and now brought to my Trial in a third; and what your Lordships will say upon this, I submit to you, and whether these be Proceedings according to Law, your Lordships will judge.

My Lords, I humbly conceive that *Magna Charta* says, That Justice shall be denied nor delayed to no man, whether it hath not been delayed to me, let your Lordships judge. If you say the Prorogation of the Parliament is the cause of that delay, I hope your Lordships will give me leave to say, That from the 5. of *December* to the 30. when the first Parliament was Prorogued, or during the Session of the other Parliament, there was time enough sure wherein I might have been brought to my Trial; and if these proceedings be lawful and just, there is no man living, but may be kept off from time to time, till some Accidents happen that their ends may be gained. I leave it to your judgment, whether it may be only my Case now, or of some of your Lordships in future Ages, to be accused of things that you never heard of before, and not brought to justifie your selves, but kept in Prison.

My Lords, There is a Statute, I have forgot where it is (but such a one I have read) that though the King by his great Seal, or little Seal, command that Justice should be delaid or denied, yet however the Judges shall not obey it, but proceed. So I hope there is no pretence of delay on my part, and the benefit of that Statute shall not be denied me. And that Statute of the Great *Charter*, which cost so many of your Ancestors their Lives to maintain, I hope you will never go from. Now, your Lordships Noble Ancestors amongst other things, took great care that Justice should be denied or delayed to none; and this I desire you to take into Consideration.

I am in your Lordships Judgment either to be Acquitted or Condemned. I hope your Lordships will, and I know you will lay your Hands upon your Hearts, consult your Consciences and your Honours, and then you will do what is Just and Equitable I doubt not.

My

My Lords, Mr. *Oats* said I came by the name of Mr. *Howard* of *Effingham*, but that I did to my Letters sign *Stafford*; surely, my Lords, if I was ashamed to own my Person, I should have been as much ashamed to have owned my Name. He says he saw me take a Commission, and whether that be an Overt Act, your Lordships are to determine. Upon the whole matter, I conceive, there is nothing proved against me, but words, nor pretended to, but only by *Oats*. And whether you will credit a man that so dissembles with God, as I have told you, I appeal to your Lordships, and beg you to consider of it.

That these Witnesses have sworn for Money, if you send to the Exchequer Office and see what Money they have received, you will find by the great Sums that 'tis so, and then I hope you will not allow them to be heard, nor credit any that swear for gain. I had a Suit in *Westminster-Hall*, that had like to have gone expresly against me, only because one of my Witnesses was to gain 8 *l.* if the Suit went for me. But pray consider how much these men have had. And for the point that there are not two Witnesses, I beseech your Lordships, give me leave to put you in mind, That not many Years ago, you passed an Act against Frauds and Perjuries, wherein you were so careful to preserve mens Estates, that you required three Witnesses to prove a Will of Goods or Lands, above 100 *l.* and will you allow but one Witness to take away a mans Life for Words? Though your Lordships will never commit Treason, yet no man can preserve himself from the Misfortune that happens to me, of being falsly accused.

'Tis true, my Lords, the Managers have given an Answer to the Business of the Money, by saying, The King may give as liberally as he pleases, but to give so great Sums, whereby Men Poor before, are now become Rich, I think will be an Objection against their Credit.

My Lords, I have said what I do think convenient, though I think much more might be said by an abler man to your Lordships, for the clearing of himself. I hope I have done it, nay, I am confident I have; and this I have done for the Memory of that Great and Blessed King, who first made me a Peer, that it may not be said, He did me the Honour Forty Years ago to call me up to this Dignity, and I should fly in the Face of his Son in so horrible a manner as these men would make me. I do owe it to the Honour of my Father and Mother, who, I think, I may safely say, were both Honourable and Worthy Persons: My Father was a learned man, and a wise man, as I may appeal to some of your Lordships who knew him well; I say, I owe it to their Memory, and to the Honour of the Family from whence I sprang, which all the world knows what it is. And I should be an infamous man to dishonour them so much as to bear their Name, and commit Treason. My Lords, I owe it to my Wife, who hath been a very kind Wife to me as ever Man had: She is Heiress at Law to the great

Estate of that great and unfortunate Man *Stafford*, Duke of *Buckingham*, who was cut off in the Reign of King *Henry* the Eighth, and all his Estate, if it were not for that Attainder, would have come to her.

I may be impertinent in telling your Lordships what it was, but I do not over-say it, when I reckon it would have been at this day Two hundred thousand pounds a Year, for it was Seventeen thousand pounds a Year in those days Penny Rent, besides other Emoluments. This is an extravagant thing to say, but 'tis true, something thereof does remain to her, which I now enjoy. I owe it to all my Children, especially to my Eldest Son, who is a young Man, and I may say of far better Parts and Hopes than his Father, and whom, I hope, will serve his Country. I owe it to all my Friends and Relations, for I would not have it said after my Death, my Wife was the Widow of a Traytor. I owe it to all these, but above all I owe it to God Almighty; then when I come to be judged by Him, I may give a good account of what he hath intrusted me with, that I may not appear as an infamous Man who knows he hath a Body, but not his own, and yet should throw it and his Soul away together. And if I should have committed this Execrable Treason, I should have been Guilty of my own Murder: First, in the committing a Crime worthy of Death; and then in not Confessing to save my Life. I hold Murder an extraordinary Crime, the worst next to Treason: And I know, if I should not prevent my Death by confessing all I knew, I should have been guilty of Self-Murder, the worst of Murders. I know your Lordships will lay to Heart, what an execrable thing Murder is and the Blood of Innocents; and I hope there is none of the House of Commons, but after this Evidence, will clear me. I am sure none of them would have me punished for that I am not Guilty of. I do not blame these Gentlemen of the House of Commons for Prosecuting, nor the first for Impeaching; for they had, without all doubt, Reasons great enough for it upon what Evidence they had before them, before they knew what the Witnesses were. I know your Lordships will not in the least point vary from Justice, or the Law of the Land, and I desire you to lay the whole matter to your Hearts; I have not the least suspicion of the Partiality of any Man in the House, nay, I profess, if I had an Enemy and he were not here, I would beg of you that he might come. I have cleared my self before your Lordshships, and I hope I shall not be run down by the wicked Rabble, which where it will end, God knows. It began in the late times against my Lord of *Strafford*, and so continued till it ended in that most Execrable Fact, one of them that ever was done. A wicked beginning it was, and it had a wicked end. For since our Saviours Death and Murder by the *Jews*, never was so execrable a Murder in the World; and whoever had an hand in it without an extraordinary Repentance, can have no thoughts of Salvation. I never could serve the King, 'tis true, but in my desires, and I never disserted him in Thought, Word, or Deed to

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my knowledg in my life, much less did I ever contrive or consent to his Death. I do in the presence of God, Angels, your Lordships, and all Men, declare, I do know no more of the Plot, or any such thing than any one here does. That those of the Romish Religion had meetings, I believe, to obtain those ends that I spake of before: *Coleman* went too far, how far he was Criminal in it I cann't tell. Meetings, I say, there were, but I was never at one of them, nor do I know what was done there. I do leave it to your Lordships to do Justice, as I know you will, and with all submission I resign my self up to you.

*Lord High Steward.* Have you done, my Lord?

*Lord Stafford.* If your Lordships will not allow me Counsel to argue those Points, I have done.

*Lord High Steward.* What say you Gentlemen of the House of Commons?

Mr. *Serjeant Maynard.* My Lords, some thing that my Lord hath spoken hath been resolved against him, that is about two Witnesses to each Overt-act; some things are not to be disputed about the Law and Course of Parliaments, some things were not to be said now, because he had said them before. My Lords, we had concluded our Evidence, and he is pleased to take up the time with repeating what was said before.

For the other matters that my Lord is pleased to discourse of, all he says is but his Obligations, and how unreasonable it were for him to do it; the Question is whether he hath done it or no; if he hath, his Obligations are an Aggravation of his Crime, not an Excuse. His Relations, his Family, and other things are nothing before your Lordships now in point of Judgment, nor is there any thing new said to day, that was not said before.

Sir *William Jones* My Lords, I should not add one word further, were it not that this Noble Lord is pleased upon his Memory, or rather without, to say something of me, and that was, that speaking of the Continuance of Proceedings I should say, if your Lordships had no President I hope you would make one; My Lords, I do appeal to your Lordships Memory whether I said any thing like it, I utterly deny it, nor was there any occasion for it. For there was no need of urging Presidents, when your Lordships upon a Conference with the Commons, did declare it to be the Law of Proceedings in Parliament, and did then fortifie it with many Arguments. I know my Lords Memory is not very good; I'm sure in this he is very much mistaken.

My Lord hath been pleased to complain he hath received much disturbance, and that the Noise and Shouts have been so great that they have occasioned some distraction in him. My Lords, I am sure his Lordship cannot mean us; for I appeal to your Lordships, and all that have heard this Tryal, whether he hath received the least disturbance or interruption from us, or whether we have

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not treated him with that respect that becomes his Dignity, and the Discretion that ought to be in the Managers of the House of Commons. But I must needs say, that his Lordship hath received distraction from those Friends or Counsel of his that put those many Papers into his Hand; for he hath read one after another that do contain the same matter over and over again. These I confess were sufficient to distract him, or any other that should make use of them. His Lordship hath been pleased to go off from the matter of Law, to the matter of Fact, and backward and forward, so that it is impossible to follow him: And as to the matter of Fact we shall decline to follow him; for though we have not given his Lordship any disturbance, yet we submit to your Judgment whether it be Regular, or according to the Course of Proceedings, when his Lordship hath sum'd up his Evidence, and we that are the Prosecutors have concluded ours, he should begin that work again, which if it should be admitted we were to reply, and he might rejoin upon us, and so there would be no end of Proceedings.

And, my Lords, I hope, though this Lord hath had the favour to do it, yet it shall not for the future be brought into Example, for it will make Tryals endless.

My Lords, for the matter of Law, there is nothing that deserves an Answer, for though the Law does admit the Prisoner Counsel in matters of Law, yet it must be in things doubtful: And if there be any thing of that in our Case, I submit it to your Lordships. I am sure I have heard nothing new but what hath been over-ruled already, unless it be a matter of Law which rises upon a matter of Fact, and that not proved, to wit, the Corruption of Witnesses. The last day all was said by his Lordship he could say, and all said by us that we thought fit to say, and now to begin the same matter again, I think ought not to be admitted. We shall not follow his Lordship in that way of Proceedings, and hope it shall never fall into Example.

Sir *Francis Winnington*. My Lords, I have only one word to say to your Lordships, and that is in relation to the Proceedings of the Commons in this Cause; for if the Cause had not been of an extraordinary nature, we should have stood upon it, that the Prisoner ought not after the Prosecutors had concluded to have taken a liberty of reading and repeating what we had said over and over again. We know, my Lords, there are are a sort of men in the world, who are willing to lay hold of any pretences to cavil at our Proceedings, and therefore we have let my Lord take all this liberty, that so his Party might have no colour of Complaint. His Lordship was pleased to say the last day, that he had not a Witness more to produce, nor a Reason to give, as I understood him; and therefore he must own that we have been very tender to him in all our Proceedings. One thing my Lord insinuates to day, which I cannot forbear taking notice of,

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as if we had delayed him, which is without cauſe; we had uſed all diligence in preparing our ſelves, and were ſoon ready when the King was pleaſed to let the Parliament ſit, and therefore it can be no imputation on us; and truly if my Lord conſiders the weight of the Evidence, I fear he will think his Tryal comes ſoon enough now.

*Lord Stafford.* My Lords, I deſire to be rightly underſtood in one thing, and 'tis only this, I did not ſay the Houſe of Commons shouted at me, but the Rabble.

*Lord High Steward.* Is it your Lordships pleaſure to Adjourn?

*Lords.* Ay, Ay.

*Lord High Steward.* Then this Houſe is Adjourned to the Parliament Chamber.

*Then the Lords withdrew in their former Order, and the Committee of Commons went back to their Houſe.*

Mr. *Speaker* reſumed the Chair.

A Meſſage was ſent from the Lords by Sir *Timothy Baldwyn* and Sir *Samuel Clarke.*

Mr. *Speaker*,

The Lords have commanded us to acquaint this Houſe, that they have appointed *William* Viſcount *Stafford* to be brought to the Bar in *Weſtminſter-Hall* to morrow morning at Ten of the Clock to receive Judgment.

*The Commons Adjourned to Eight of the Clock the next Morning.*

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The

# The Seventh Day.

*Tuesday, December 7. 1680.*

ABout the hour of Eleven, the Lords Adjourned into *Westminster-Hall*, going thither in their former Order into the Court there erected; and Mr. *Speaker* having left the Chair, the Committee of Commons were seated as before.

The Lords being sate, Proclamation was made for Silence; and the *Lord High Steward* being seated on the Wool-pack, with *Garter* Principal King of Arms, the Usher of the Black Rod, Nine Maces attending him, with all the rest of the Solemnity, as was at first expressed, took the Votes of the Peers upon the Evidence, beginning at the Puisne Baron, and so upwards, in this Order, the Lord *Stafford* being (as the Law requires) absent.

*Lord High Steward.* My Lords, I am an humble Suitor to your Lordships, That you will give me leave to collect your Votes as I sit, for I am not able to stand. Which being granted, the *Lord High Steward* proceeded.

*Lord High Steward.* My Lord *Butler* of *Weston*, Is *William* Lord Viscount *Stafford* Guilty of the Treason whereof he stands Impeached, or Not Guilty?

Lord *Butler*. Not Guilty upon my Honour.

*The same Question was put to the rest, whose Names and Votes follow.*

Lord *Arundel* of *Trerice*. Not Guilty upon my Honour.
Lord *Crewe*. Guilty upon my Honour.
Lord *Cornwallis*. Guilty upon my Honour.
Lord *Holles*. Not Guilty upon my Honour.
Lord *Wootton*. Not Guilty upon my Honour.
Lord *Rockingham*. Guilty upon my Honour.

Lord

5 Lord *Lucas.* Not Guilty upon my Honour.
Lord *Aſtley.* Guilty upon my Honour. 4
6 Lord *Ward.* Not Guilty upon my Honour.
7 Lord *Byron.* Not Guilty upon my Honour.
8 Lord *Hattom.* Not Guilty upon my Honour.
Lord *Leigh.* Guilty upon my Honour. 5
Lord *Herbert* of *Cherbury.* Guilty upon my Honour. 6
Lord *Howard* of *Eſcrick.* Guilty upon my Honour. 7
Lord *Maynard.* Guilty upon my Honour. 8
Lord *Lovelace.* Guilty upon my Honour. 9
9 Lord *Deincourt.* Not Guilty upon my Honour.
Lord *Grey* of *Wark.* Guilty upon my Honour. 10
Lord *Brook.* Guilty upon my Honour. 11
10 Lord *Norreys.* Not Guilty upon my Honour.
Lord *Chandos.* Guilty upon my Honour. 12
Lord *North* and *Grey.* Guilty upon my Honour. 13
Lord *Pagett.* Guilty upon my Honour. 14
Lord *Wharton.* Guilty upon my Honour. 15
Lord *Eure.* Guilty upon my Honour. 16
Lord *Cromwell.* Guilty upon my Honour. 17
11 Lord *Windſor.* Not Guilty upon my Honour.
Lord *Conyers.* Guilty upon my Honour. 18
12 Lord *Ferrers.* Not Guilty upon my Honour.
13 Lord *Morley.* Not Guilty upon my Honour.
14 Lord *Mowbray.* Not Guilty upon my Honour.
Lord Viſcount *Newport.* Guilty upon my Honour. 19
Lord Viſcount *Faulconberge.* Guilty upon my Honour. 20
Earl of *Conway.* Guilty upon my Honour. 21
15 Earl of *Berkley.* Not Guilty upon my Honour.
Earl of *Macleſfield.* Guilty upon my Honour. 22
16 Earl of *Hallifax.* Not Guilty upon my Honour.
17 Earl of *Feverſham.* Not Guilty upon my Honour.
Earl of *Suſſex.* Guilty upon my Honour. 23
Earl of *Guilford.* Guilty upon my Honour. 24
Earl of *Shaftsbury.* Guilty upon my Honour 25
Earl of *Burlington.* Guilty upon my Honour. 26

Earl of *Ailesbury*. Not Guilty upon my Honour.
Earl of *Craven*. Not Guilty upon my Honour.
Earl of *Carliſle*. Guilty upon my Honour.
Earl of *Bath*. Not Guilty upon my Honour.
Earl of *Eſſex*. Guilty upon my Honour.
Earl of *Clarendon*. Not Guilty upon my Honour.
Earl of *St. Albans*. Not Guilty upon my Honour.
Earl of *Scarſdale*. Guilty upon my Honour.
Earl of *Sunderland*. Guilty upon my Honour.
Earl of *Thanet*. Not Guilty upon my Honour.
Earl of *Cheſterfield*. Not Guilty upon my Honour.
Earl of *Carnarvan*. Not Guilty upon my Honour.
Earl of *Winchelſea*. Guilty upon my Honour.
Earl of *Stamford*. Guilty upon my Honour.
Earl of *Peterborough*. Not Guilty upon my Honour.
Earl *Rivers*. Guilty upon my Honour.
Earl of *Mulgrave*. Guilty upon my Honour.
Earl of *Barkſhire*. Guilty upon my Honour.
Earl of *Mancheſter*. Guilty upon my Honour.
Earl of *Weſtmorland*. Guilty upon my Honour.
Earl of *Clare*. Guilty upon my Honour.
Earl of *Briſtol*. Guilty upon my Honour.
Earl of *Denbigh*. Not Guilty upon my Honour.
Earl of *Northampton*. Guilty upon my Honour.
Earl of *Leiceſter*. Guilty upon my Honour.
Earl of *Bridgwater*. Guilty upon my Honour.
Earl of *Salisbury*. Guilty upon my Honour.
Earl of *Suffolk*. Guilty upon my Honour.
Earl of *Bedford*. Guilty upon my Honour.
Earl of *Huntingdon*. Guilty upon my Honour.
Earl of *Rutland*. Not Guilty upon my Honour.
Earl of *Kent*. Guilty upon my Honour
Earl of *Oxford*. Guilty upon my Honour.
Lord *Chamberlain*. Not Guilty upon my Honour.
Marquess of *Worceſter*. Not Guilty upon my Honour.
Duke of *Newcaſtle*. Not Guilty upon my Honour.

Duke

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Duke of *Monmouth*. Guilty upon my Honour. 49
Duke of *Albemarle*. Guilty upon my Honour. 50
Duke of *Buckingham*. Guilty upon my Honour. 51
Lord *Privy-Seal*. Guilty upon my Honour. 52
Lord *President*. Guilty upon my Honour. 53
*Lord High Steward*. Guilty upon my Honour. 54
Prince *Rupert* Duke of *Cumberland*, Guilty upon my Honour. 55

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*Lord High Steward*. My Lords, upon telling your Votes, I find there are Thirty one of my Lords that think the Prisoner *Not Guilty*, and Fifty five that have found him *Guilty*. Serjeant make Proclamation for the Lieutenant of the *Tower* to bring his Prisoner to the Bar.

(*which was done, and his Lordship came to the Bar.*)

*Lord High Steward*. My Lord *Stafford*, I have but heavy tidings for you, your Lordship hath been Impeached of High-Treason, you have pleaded *Not Guilty*, my Lords have heard your Defence, and have considered of the Evidence, and their Lordships do find you *Guilty* of the Treason whereof you are Impeached.

*Lord Stafford*. Gods Holy Name be praised, my Lords, for it.

*Lord High Steward*. What can your Lordship say for your self, why Judgment of Death should not be given upon you according to the Law?

*Lord Stafford*. My Lords, I have very little to say, I confess I am surprized at it, for I did not expect it; but Gods will be done, and your Lordships, I will not murmur at it: God forgive those that have sworn falsly against me. My Lords, I conceive I have something to say for respit of Judgment; I have been at many Tryals in my Life, but I never saw any Tryal where the party tried did not hold up his Hand, which I was never asked to do; I thought it had been a very material point in the Law, That by the holding up of the Hand he might be known to be the Person. I have read, lately, since I had the misfortune to be thus accused, Sir *Edward Coke* upon the Pleas of the Crown, and he says that Misnomer, the not giving a man his right name, or addition, is likewise a just Cause to arrest the Judgment. There is likewise another Question how far it may be valued I know not, I submit it, as I do all, to your Lordships. Though I am tried upon the Act of 25 *Edw.* 3*d.* yet there is nothing more in that Act, than what is included in the Act of the 13*th.* of this King: And I humbly conceive, my Lords, by that Act, and the last Proviso in it, a Peer that is accused and found Guilty of the Crimes therein mentioned, is to lose his Seat in Parliament; those are the words, and since 'tis so put down in the Act, it is so to be understood, and that is all the punishment. And I humbly demand your Lordships Judgment upon these points, whether it be so or no?

And humbly demand your Lordships Judgments upon these Points, whether it be so or no?

*Lord High Steward.* Has your Lordship any more to say?

*Lord Stafford.* No, my Lords, I submit to your Lordships, and desire your Judgment in these Points.

Then the Lords adjourned into the Parliament Chamber, and the Committee of Commons returned to their own House; and the Speaker having reassumed the Chair, the whole Body of the House went with their Speaker to the Bar of the House of Lords, to demand Judgment of High Treason against *William* Viscount *Stafford*, upon the Impeachment of the Commons of *England* in Parliament, in the name of the Commons in Parliament, and of all the Commons of *England*.

The Commons, with their Speaker, went back to their House.

Then the Lords took into consideration what Judgment was to be given upon *William* Viscount *Stafford*, and it was moved that he might be beheaded. After some debate, the Judges were asked, whether if any other Judgment than the usual Judgment for High Treason were given upon him, it would attaint his Blood? The Judges were of opinion, that the Judgment for High Treason appointed by Law, is to be drawn, hanged, and quartered, and in the Courts and Proceedings below, they can take no notice of any Judgment for High Treason, but that.

Then Sir *Creswell Levinz*, the Kings Attorney-General, desired to be heard on his Majesties behalf, which the House gave leave for him to be; who said, he knew no other Judgment by Law for High Treason, but Drawing, Hanging, and Quartering; if any other Judgment were given, it would be prejudicial to His Majesty, and be a Question in the inferiour Courts as to his Attainder of High Treason.

Whereupon their Lordships ordered, That the *Lord High Steward* do pronounce the ordinary Judgment of Death upon the Lord Viscount *Stafford*, as the Law hath appointed in Cases of High Treason.

And a Message was sent to the House of Commons from their Lordships, by Sir *Timothy Baldwyn* and Sir *Samuel Clark*,

Mr. *Speaker*,

We are commanded by the Lords to acquaint this House, That their Lordships are going presently into *Westminster-Hall*, to give Judgment against *William* Viscount *Stafford*.

Mr. *Speaker* left the Chair.

The Committee of Commons appointed for the Management of the Evidence against the Prisoner, with the rest of the Commons, went into *Westminster-Hall*, to the Court there erected, to be present when the Lords gave Judgment of High Treason against him, upon the Impeachment of the Commons of *England*.

After

After a short time their Lordships were adjourned into *Westminster-Hall*, coming in their former Order into the Court there erected, where being seated, and the *Lord High Steward* being on the Wool-sack, attended by *Garter* principal King of Arms, the *Usher* of the Black Rod, Eight of the Serjeants at Arms kneeling with their Maces, the Ninth Macer making proclamation for Silence; which being done, the *Lord High Steward* gave Judgment upon the Prisoner as followeth.

Lord High Steward. *My Lord* Stafford,

*THat which your Lordship hath said in Arrest of Judgment, hath been found by my Lords upon due Consideration had of it, to be of no moment at all. It is no Essential part of any Trial, That the Prisoner should hold up his Hand at the Bar; there is no Record ever made of it when it is done; the only use of it is to shew the Court who the Prisoner is, when that is apparent, the Court does often proceed against him, though he refuse to hold up his Hand at the Bar; therefore the omission of that Ceremony in this Case is no legal Exception, as all the Judges have declared.*

*And as to the Proviso's in the Statute of the* 13th. *year of this King, their Lordships do find that they are in no sort applicable to this Case, forasmuch as the Proceedings against your Lordship are not grounded upon that Statute, but upon the Statute of the* 25. E. 3. *And yet if the Proceedings had been upon the latter Statute, the Proviso's therein could have done your Lordship no service at all.*

*My part therefore which remains, is a very sad one: for I never yet gave Sentence of Death upon any man, and am extremely sorry that I must begin with your Lordship.*

*Who would have thought that a person of your Quality, of so Noble an Extraction, of so considerable Estate and Fortune, so eminent a Sufferer in the late ill Times, so interested in the Preservation of the Government, so much obliged to the Moderation of it, and so personally obliged to the King and his Royal Father for their particular Favours to you, should ever have entred into so Infernal a Conspiracy as to contrive the Murder of the King, the Ruin of the State, the Subversion of Religion, and, as much as in you lay, the Destruction of all the Souls and Bodies in three Christian Nations.*

*And*

*And yet the Impeachment of the House of Commons amounts to no less a Charge, and of this Charge their Lordships have found you Guilty.*

*That there hath been a General and Desperate Conspiracy of the Papists, and that the Death of the King hath been all along one chief part of the Conspirators Design, is now apparent beyond all possibility of doubting.*

*What was the meaning of all those Treatises which were publisht about two years since against the Oath of Allegiance, in a time when no man dreamt of such a Controversie? What was the meaning of Father* Conyers's *Sermon upon the same Subject, but only because there was a Demonstration of Zeal, as they call it, intended against the Person of the King? which the scruples arising from that Oath did somewhat hinder.*

*To what purpose were all the Correspondencies with Foreign Nations? The Collections of Money among the Fathers abroad and at home? What was the meaning of their Governing themselves here by such Advices as came frequently from* Paris *and* Saint Omers? *And how shall we expound that Letter which came from* Ireland, *to assure the Fathers here, that all things were in a readiness there too, as soon as the Blow should be given?*

*Does any man now begin to doubt how* London *came to be Burnt? Or by what ways and means poor Justice* Godfrey *fell? And is it not apparent by these Instances, that such is the frantick Zeal of some Bigotted Papists, that they resolve, No means to advance the Catholick Cause shall be left unattempted, though it be by Fire and Sword?*

*My Lord, As the Plot in General is most manifest, so your Lordships part in it hath been too too plain. What you did at* Paris, *and continued to do at* Tixal *in* Staffordshire, *shews a settled purpose of mind against the King; and what you said at* London *touching* Honest Will, *shews you were acquainted with that Conspiracy against the Kings Life which was carrying on here too: And in all this there was a great Degree of Malice; for your Lordship at one time called the King Heretick and Traytor to God; and at another time you revil'd him for misplacing his Bounty, and rewarding none but Traytors and Rebels.*

*And*

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*And thus you see that which the* Wise man *forewarn'd you of is come upon you*, Curse not the King, no not in thy heart: for the Birds of the Air shall reveal, and that which hath wings will declare the matter.

*Three things I shall presume to recommend to your Lordships consideration. In the first place, Your Lordship now sees how it hath pleased God to leave you so far to your self, that you are fallen into the snare, and into the pit, into that very pit which you were digging for others. Consider therefore, that God Almighty never yet left any man, who did not first leave him.*

*In the next place, Think a little better of it than hitherto you have done, what kind of Religion that is in which the Blind Guides have been able to lead you on into so much ruin and destruction as is now like to befall you.*

*In the last place, I pray your Lordship to consider, That true Repentance is never too late. A devout penitential sorrow, joyn'd with an humble and hearty Confession, is of mighty power and efficacy both with God and man.*

*There have been some of late, who have refus'd to give God the Glory of his Justice by acknowledging the Crimes for which they were condemned; nay, who have been taught to believe, that 'tis a mortal Sin to confess that Crime in publick, for which they have been absolv'd in private; and so have not dar'd to give God that Glory which otherwise they would have done.*

*God forbid your Lordship should rest upon Forms; God forbid your Lordship should be found among the number of those poor mistaken Souls whom the first thing that undeceives is Death it self.*

*Perhaps your Lordship may not much esteem the Prayers of those whom you have long been taught to miscal Hereticks; But whether you do or no, I am to assure your Lordship, That all my Lords here, even they that have condemned you, will never cease to pray for you, that the end of your life may be Christian and Pious, how Tragical soever the means are that must bring you thither.*

*And now my Lord, this is the last time that I can call you My Lord; for the next words I am to speak will Attaint you.*

*The*

*The Judgment of the Law is, and this Court doth Award, That*

YOU go to the place from whence you came; from thence you muſt be drawn upon a Hurdle to the place of Execution; When you come there, you muſt be hang'd by the Neck, but not till you are dead; for you muſt be cut down alive; your Privy-Members muſt be cut off, and your Bowels ript up before your Face, and thrown into the Fire; Then your Head muſt be ſevered from your Body, and your Body divided into four Quarters; and theſe muſt be at the diſpoſal of the King.

*And God Almighty be merciful to your Soul.*

*Priſoner.* My Lords, I humbly beſeech you give me leave to ſpeak a few words: I do give your Lordſhips hearty Thanks for all your Favours to me. I do here in the preſence of God Almighty declare, I have no Malice in my Heart to them that have condemned me; I know not who they are, nor deſire to know; I forgive them all, and beſeech your Lordships all to pray for me. My Lords, I have one humble Requeſt to make to your Lordships, and that is, my Lords, That the little ſhort time I have to live a Priſoner, I may not be a cloſe Priſoner, as I have been of late, but that Mr. *Lieutenant* may have an Order that my Wife and Children and Friends may come at me. I do humbly beg this Favour of your Lordſhips, which I hope you will be pleaſed to give me.

*Lord*

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*Lord High Steward.* My Lord *Stafford*, I believe I may, with my Lords leave, tell you one thing further, That my Lords, as they proceed with Rigour of Juſtice, ſo they proceed with all the Mercy and Compaſſion that may be; And therefore my Lords will be humble Suitors to the King, that He will remit all the Puniſhment but the taking off your Head.

*Priſoner* (Weeping) My Lords, your Juſtice does not make me cry, but your Goodneſs.

*Then the* Lord High Steward *broke his Staff, and the Lords adjourned into the Parliament Chamber, and the Commons returned to their Houſe, and the Priſoner with the Ax born before him with the Edg towards him (it being carried contrarily during his Trial) was ſent back to the Tower.*

His Majeſty afterwards ordered the Lord High Chancellor to iſſue out under the Great Seal of *England* the following Writs for Executing the ſaid late Viſcount *Stafford*; the firſt being to the Lieutenant of the *Tower*, to deliver him on the Twenty ninth of *December* 1680. between Nine and Eleven a Clock in the Forenoon, at the uſual place without the *Tower-Gate*, to the Sheriffs of *London* and *Middleſex*; and the other being for them then and there to receive him into their Cuſtody, and to lead him to the uſual place upon *Tower-Hill*, and there to cauſe his Head to be cut off, and ſevered from his Body: Which Writs were in Form following.

CAROLUS *Secundus Dei gratia* Angliæ, Scotiæ, Franciæ & Hiberniæ *Rex, fidei defensor,* &c. *Locumtenenti* Turris *nostræ* London *salutem ; Cum* Willus *Vicecomes* Stafford, *per Communes Regni nostri* Angliæ *in Parliamento assemblat', de alta proditione, necnon diversis aliis criminibus & offensis per ipsum perpetrat' & commissis, impetit' fuit ; Ac superinde per Dominos Temporales in præsenti Parliamento nostro convent', triat' convict' ; & debita juris forma attinct' fuit ; & morti adjucat' existit ; Cujus quidem Judicii executio adhuc restat facienda. Cumque prædictus Vicecomes* Stafford *in* Turri *nostra* London, *sub custodia tua detent' existit : Precipimus tibi & per presentes firmiter injungendo mandamus, quod in & super vicesimum nonum diem instantis mensis* Decembris, *inter horas nonam, & undecimam, ante Meridiem ejusdem diei, ipsum Vicecomitem* Stafford, *usque locum usualem extra portam* Turris *predictæ ducas ; ac ipsum, Vicecomitibus Civitatis nostræ* London & Middlesex, *adtunc & ibidem deliberes : Quibus quidem Vicecomitibus, nos per aliud breve eis inde direct', precipimus predictum Vicecomitem* Stafford *adtunc & ibidem recipere, ut fiat executio Judicii predicti, modo & forma prout dictis Vicecomitibus* London & Middlesex, *per aliud breve nostrum predictum precepimus : Et hoc nullatenus omittas, sub periculo incumbente, Aliquo Judicio, Lege, Ordinatione, seu Mandato præantea habit', fact', ordinat', seu dat' in contrarium non obstante. Teste meipso apud* Westm. *decimo octavo die* Decembris, *Anno regni nostri tricesimo secundo.*

BARKER.

CAROLUS

CAROLUS *Secundus Dei gratia* Angliæ, Scotiæ, Franciæ & Hiberniæ *Rex, fidei defensor,* &c. *Vic.* London & *Vic.* Middlesex *salutem: Cum* Will. *Vicecomes* Stafford, *per Communes regni nostri* Angliæ *in Parliamento assembl', de alta proditione, necnon diversis aliis criminibus & offensis per ipsum perpetrat' & commissis impetit' fuit; Ac superinde per Dominos Temporales in presenti Parliamento nostro convent', triatus, convict' & debita juris forma, attinct' fuit, & morti adjudicat' existit: Cujus quidem Judicii executio adhuc restat facienda; Precipimus vobis, & per presentes firmiter injungendo mandamus, quod in & super vicesimum nonum diem hujus instantis* Decembris, *inter horas nonam, & undecimam, ante meridiem ejusdem diei, dictum Vicecomitem* Stafford, *extra Portam* Turris *nostræ* London, *vobis tunc & ibidem deliberandum, prout per aliud breve Locumtenenti* Turris *nostræ* London *directum, precepimus, in custodiam vestram adtunc & ibidem recipiatis, & ipsum sic in custodia vestra existentem, statim usque usualem locum super le* Towerhill *ducatis; Ac caput ipsius* Willi. *Vicecomitis* Stafford, *adtunc & ibidem amputari, ac a corpore suo omnino separari faciatis, aliquo Judicio, Lege, Ordinatione, seu Mandato præantea habit', fact', ordinat', seu dat' in contrarium, non obstante: Et hoc (sub periculo incumbente) nullatenus omittatis; Teste meipso apud* Westm. *decimo octavo die* Decembris, *Anno regni nostri tricesimo secundo.*

BARKER.

There were two Writs to the Sheriffs both alike *verbatim,* one delivered in *London,* the other in *Middlesex.*

Whereupon the Sheriffs doubting whether that was a sufficient Authority for them to execute the Prisoner by Beheading only, the Sentence of Death being otherwise given, petitioned the Lords in Parliament to take the Premises into consideration, and to make such Order as should be agreeable to Right and Justice, as by the following Petition appears.

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TO THE

Right Honourable the LORDS TEMPORAL in PARLIAMENT Aſſembled;

The Humble Petition of *Slingsby Bethel* Eſq; and *Henry Cornish* Eſq; Sheriffs of *London* and *Middleſex*.

*Sheweth*,

THAT your Petitioners have received a Writ under the Great Seal of *England*, Reciting, that Judgment had been given by your Lordſhips againſt *William* Viſcount *Stafford*, for High Treaſon, and diverſe other Crimes and Offences, upon the Impeachment of the Commons in Parliament Aſſembled, and commanding your Petitioners to cauſe the ſaid Viſcount *Staffords* Head to be Severed from his Body upon the Twenty Ninth Day of this inſtant *December*, notwithſtanding any Judgment, Law, Ordinance, or Command to the contrary.

That your Petitioners have not as yet Received any Command from your Lordships for Executing the ſaid Judgment.

May it therefore pleaſe your Lordships to take the Premiſſes into Conſideration, and to make ſuch Order therein as ſhall be agreeable to Right and Juſtice.

*And your Petitioners ſhall always pray*, &c.

Upon which Petition the Lords did Declare as followeth:

*Die*

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## *Die Martis* 21 *Decembris.* 1680.

UPon Application from the Sheriffs of *London* and *Middlesex*, making some Scruples concerning the Execution of the late Lord Viscount *Stafford*, which were found by this House to be unnecessary, This House do Declare, That the Kings Writ ought to be obeyed.

The said Sheriffs likewise made Application to the House of Commons upon the aforesaid matter, who made the following Resolve.

## *Die Jovis* 23 *Decembris.* 1680.

RESolved, *&c.* That this House is content that the Sheriffs of *London* and *Middlesex* do Execute *William* late Viscount *Stafford*, by Severing his Head from his Body only.

## *Wednesday December* 29. 1680.

ABout the hour of Ten in the Morning, the Sheriffs received the Prisoner, according to the Command of the Writs, from the Lieutenant of the *Tower*, and brought him upon the Scaffold, which was erected on *Tower-Hill*. The Prisoner took a Paper out of his pocket, and (putting off his Hat) read it as his Speech, (which the very same day, before Two of the Clock, came out in Print as his Speech) and he delivered divers Copies signed by himself, to Mr. Sheriff *Cornish*, and other Gentlemen about him. He then desired he might have liberty to pray in his own way; which being granted, he kneeled down by the Block, and taking out of his pocket another Paper, he read a *Latin* Prayer; which done, he gave the Paper to Mr. Sheriff *Bethel*; and then spoke to the People about the Scaffold

to

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to this Effect: *God bleſs you all, Gentlemen; God preſerve His Majeſty, He is as good a Prince as ever govern'd you; Obey Him as faithfully as I have done; and God bleſs you all, Gentlemen.* Then he ſtripp'd himſelf to his Waſtcoat, and after ſome few ſhort private Diſcourſes with his Friends, he laid down his Neck on the Block, and ſtretched himſelf. The Executioner being demanded by the Sheriffs whether he had any Sign; he anſwered, No. Then the Priſoner raiſed up his Head, and ſaid; He had no Sign to give, but the Executioner might take his opportunity; and laid his Neck on the Block again. After which, in a ſhort time, the Executioner did his Office, by Severing his Head from his Body, and holding up the Head in his Hand, carried it about the Scaffold, ſhewing it to the People, and ſaying, *Here is the Head of a Traitor.* The Body was put into a Coffin, and conveyed to the *Tower.*

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*F I N I S.*

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